Hearing Date: No hearing scheduled
Location: <<CourtRoomNumber>>
Judge: Calendar, 8

FILED
12/2/2024 5:17 PM
Mariyana T. Spyropoulos
CIRCUIT CLERK
COOK COUNTY, IL
2019L005521
Calendar, 8
30423682

FILED DATE: 12/2/2024 5:17 PM 2019L005521

A DENTAL LEADER'S BROKEN BRAND PROMISE

All That Glitters Is Not Gold

Federal Trade Commission
Consumer Complaint

June 2023
(Pending Additional Discovery Documents)

FTC ANPR
Sections III. - VIII. Only
All identifying information redacted; exhibits omitted. No Rules applied. Solely intended for rulemaking.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

MARY KATHERINE ALBERTI

(312) 859-1083
maryalbertii@yahoo.com

ATTACHMENT B

TABLE OF CONTENTS

I. Overview (Pages 2-4)

II. FTC Standard (Pages 5-7)

III. Background: A Dental Leader's Broken Brand Promise (Pages 8-16)

IV. Goldberg Allegedly Deceives Consumers Who Read Reviews About the Nature of Those Reviews (Pages 17-23)

V. Goldberg Unfairly Deprives Consumers – Allegedly 90 Times – Of Truthful Negative Information Through Deceptive, Unfair, and Illicit Review Suppression (Pages 24-36)

A. Goldberg Deceives Consumers – Allegedly 90 Times – Who Wish to Leave Consumer Reviews Using Online Mayhem to Confuse and Frustrate Them into Abandoning Criticism (Page 24-32)
1. Goldberg Was Not Cyber Harassed, He Cyber Harassed His Patient
2. Goldberg's Violations of Review Websites' Terms of Service and FTC Rules
3. The Virtual Vortex Continues: Goldberg Deceives Consumers by Hiding Reviews

B. Goldberg Allegedly Set Out to Target, Silence, and Punish His Victim (Page 33-36)
1. Reputation Management: Goldberg's Poor Choices, Useful Technology
2. Misrepresenting Illinois Department of Financial and Professional Regulations to Remove Consumer Reviews

VI. Goldberg's Alleged Deceptive Use of Consumer Reviews: Review Gating and Unequal Treatment (Pages 37-62)
A. Alleged Review Gating
B. Alleged Unequal Treatment

VII. Unjustified Threats and False Accusations to Prevent and Remove Consumers' Reviews (Pages 63-66)

VIII. Conclusion (Page 66)

FILED DATE: 12/2/2024 5:17 PM 2019L005521

MARY KATHERINE ALBERTI

(312) 859-1083
maryalbertii@yahoo.com

Federal Trade Commission
Consumer Complaint

I. Overview

Robert Goldberg, DDS ("Goldberg") is a dental specialist and solo practice owner of Advanced Care in Endodontics located in Buffalo Grove, Illinois. While portraying a meticulous image to the public, he plays out a pattern of alleged questionable acts across multiple systems.

Section 5(a) of the Federal Trade Commission Act (FTC Act) prohibits "unfair methods of competition in or affecting commerce." The Commission is asked to scrutinize the various ways Goldberg violates the provisions of the FTC Act and, where appropriate, use its authority to deter further harm and/or seek redress for victims. Please take note that everything presented is alleged. The focus here is primarily narrowed, but not limited, to the following that I have personal knowledge of and on information and belief as to other:

1. Goldberg's Prohibited Use of Consumer Reviews and Testimonials

The Trade Regulation Rule on the Use of Consumer Reviews and Testimonials, codified under 16 C.F.R. Part 465 and 255 prohibits certain practices relating to consumer reviews. Goldberg is skewing consumers' understanding of his online consumer reviews. The service provider is (i.) deceiving consumers by using insider reviews without clear disclosures of material connection.; and (ii.) unfairly depriving patients and prospective users of his dental services from truthful, negative information in a deceptive, unfair, and abusive manner.

From 2015 through 2019, I relied upon Goldberg's consumer reviews. Consequently, I incurred significant financial damage and distress only to learn that the reviews relied upon were false. Subsequently, I posted online reviews sharing my experience to mitigate further harm to others. As they were being posted, Goldberg knowingly and deliberately suppressed them resulting in reposts only for him to suppress them again – creating a virtual vortex that went on for weeks. He exploited rules, deceived review site moderators, hid posts creating confusion and chaos, used unjust threats, and made false accusations to demand removal. He even misrepresents the regulatory authority that issues his license to remove them and defames alleged anonymous posters.

Goldberg takes advantage of the fact that patients and prospective users of his dental services rely on fellow consumers' reviews to help choose or learn more about a dentist. He unabashedly admits to investing in a reputation management system to monitor online posts enabling him to remove those he doesn't appreciate, as opposed to resolving any outstanding issues with the poster. A consumer review as simple as, "*"I'm unhappy and disappointed with my experience. I can't recommend this office,"* is suppressed. When he could no longer remove reviews, Goldberg pivoted to using the legal system as a suppression tool. He misrepresented to a court that he was cyber harassed and defamed while concealing that he violated FTC guides and consumer review site user terms that resulted in reposts. As he was suppressing posts, Goldberg collected hundreds of testimonials/endorsements disguised as spontaneous consumer reviews along with flattering posts – many directly contradicting the unflattering post. He

FILED DATE: 12/2/2024 5:17 PM 2019L005521

removed speech that encourages patient empowerment and promotes competition while collecting a substantially greater number of posts that he would've otherwise not had. Many position him as superior to other endodontists, the only provider able to do the complex treatment required, the provider to trust, and having a safe mind set. Goldberg continues to harm patients, prospective users of his services, and competitors that work hard and play by the rules.

2. **Retaliation**

In June 2019, Goldberg filed a retaliatory $4,000,000 alleged defamation claim against his patient for blowing the whistle on his failure to protect his patients' private health information and criticizing him in online consumer reviews. Presently, *Robert Goldberg, DDS v Mary Katherine Alberti* is being litigated. He knowingly used the legal system improperly to prevent and remove consumer reviews and for profit. He also deterred the patient from seeking help for an alleged hack back by using intimidation, oppression and threats.

3. **Privacy Breach**

Goldberg concedes to failing to protect patients' private health information multiple times from Year 2017 to 2018. As litigation is in process, Goldberg continues to harass a patient over the matter.

- **Goldberg led me to believe that I could access information in an online portal that he knew contained patient files. When relied upon, Goldberg used the incident to intimidate and strike fear in me with claims that I "illegally hacked files" and placed the burden of harming patients solely onto me. While Goldberg claims the privacy breach was an "incidental error," he still used the "incidental error" to psychologically abuse a patient.**

The office issued a password in a patient report leading me into believing that I could access notes and cases in an online portal that contained all patient files. Per the attached correspondence exchanged with HHS and legislative offices, Goldberg claims that his office manager of twelve years ***intentionally*** sent me the password because, according to Goldberg, she thought it would help me since I "asked the office for everything else." Upon using the password, the patient names with accompanying files were visible. The files had no additional security making the intended purpose unclear – whether a glitch, online case examples for promotional purposes, etc. The report with the password was stored in my computer that was compromised in 6/2017 and 11/2018. Both instances were reported to local police.

After my final consult with Goldberg in 8/2018, I learned of rumors circulating within the dental and private community that I "illegally hacked files" and was "doctor shopping." Upon alerting Goldberg, an authentic conversation was not possible. Instead of admitting to a colossal miscommunication between dental office and patient in the course of his business operations, which I was willing to help address, he denied that there were any patient files in the online portal, claimed that I "illegally hacked files," and placed the burden of harming the patients solely onto me.

Goldberg's actions prompted me to contact Department of Health and Human Services (HHS) and state legislative offices for help due to ongoing harassment and lack of assurance he corrected things. A state senator contacted Goldberg to discuss the matter. According to Illinois State Senator Laura Murphy, he also relayed to her that there were no other patient files in his online portal that I accessed. In the meantime, rumors continued to come back to me that I "illegally hacked files" and the harassment over his failure to properly handle the matter has never ceased.

Four years into litigation, Goldberg finally concedes in his fifth amended complaint to a privacy breach. Note: in his "fifth amended complaint." It was his sixth attempt to follow court directives and

FILED DATE: 12/2/2024 5:17 PM 2019L005521

deliver a cohesive complaint that can be defended, which he never does even though the court narrowed and advanced statements that aren't "defamation per se." He makes numerous material misrepresentations to force a litigant to spend time and unnecessary financial expenditures in a discovery process because he is, as stated, "committed to stripping Defendant of all assets." He calls the privacy breach an *"incidental error"* but *"her violation"* and sued me for alleged statements while seeking help in a state of crippling fear and shock due to his actions. Goldberg claims that my receiving the password was an *"incidental error"* and not intended to hurt his patient. Except Goldberg **deliberately and knowingly** leveraged his patients' private information to strike fear in and psychologically abuse one patient – just like he filed a $4,000,000 to strike fear in his patient. Even after admitting that patient files were in the online portal and he breached privacy, Goldberg deliberately leveraged patient private health information to blame and harass one patient.

- **Goldberg deceives patients by explicitly representing that he is HIPAA compliant, giving a false impression of safety and protection under HIPAA.**

Goldberg explicitly reaffirmed to me, in writing, that he is HIPAA compliant to make me believe that private health information is protected by HIPAA. (Exhibit) I relied upon that representation and sought help from HHS. In May 2019, Goldberg sued me for seeking help from HHS and others. In his $4,000,000 defamation complaint, Goldberg concedes to breaching patient privacy but alleges that I falsely stated he violated HIPAA. In July 2019, after Goldberg sued me, it was learned from HHS that Goldberg isn't covered under HIPAA. Goldberg knows that he is not covered under HIPAA but relays to patients that he is a HIPAA compliant office. I relied upon his representation. Goldberg makes false representations and omissions that are relied upon, doesn't clarify things, shuts down communication, then he uses it to harm patients and victim play.

- **Goldberg falsely leads patients to believe that he was protecting their private health information. Goldberg deceived patients, including me, by failing to inform them of a security breach.**

Goldberg maintained that no other patient files were contained in the portal that I accessed. In 5/2022, Goldberg concedes in his complaint to breaching patient privacy. His position is that he knew nothing about it until I informed him in March 2019.

Even though I accessed Goldberg's online system with a password, it is unclear why there was nothing alerting him to suspicious activity, which is presumably what would happen if I wasn't intended to access information in the system. Shortly after 5/2017, I never received notification of a possible compromise of information. **Goldberg's system, that he represents has 256-bit encryption, failed to have the appropriate alerts to protect the information. Goldberg falsely led everyone, including me, to believe that private information – whether health or financial – is protected.**

In 8/2018, shortly after my final consult with Goldberg and logging into the system for my updated notes, I received an anonymous email from someone named "RANSOM" via a social media account. Later, I learned that rumors circulated as early as **9/2018** (shortly after my final consult with Goldberg) that I "illegally hacked files" and it was relayed that they originated from Goldberg's office. Given what was relayed to me through others, the office was aware of a breach long before Goldberg claims to have been alerted. It coincidentally happened immediately after my final consult in 8/2018, where he and the office refused on three occasions to schedule root canal treatment on an alternate tooth that was in pain (#14). I am unaware of any rumors in 5/2017.

There was obviously a colossal miscommunication. When speaking with Goldberg, I was left carrying the burden while he shut down communications. Were patients informed? No one is sharing that

FILED DATE: 12/2/2024 5:17 PM 2019L005521

with us. What about the patients? How many times were patients deceived when Goldberg failed to inform them that their private information was disclosed and remains vulnerable. Presently, the parties are in discovery that took five years during which Goldberg repeatedly attempted to coerce settlement waging false criminal allegations. In discovery, hundreds of pages were submitted contradicting Goldberg's manufactured complaint. It further demonstrates something serious transpired pertaining to an alleged hack back for which Goldberg's only response was to shut down all communications and sue a patient for $4M. For over nine months, I have received no evidence back from Goldberg despite providing inches of pages negating his complaint. Yet, he continues to harass and discriminate against a former patient that he perceives to be "delusional, mentally ill, an anti-Semite, and mistaking Christianity as an excuse to exercise first amendment rights."

4. Goldberg's questionable practices resulted more than $60K in quantifiable personal financial damage. It doesn't include the emotional distress or burden on the judicial system, taxpayers, insurance carriers, and everyone that he has and continues to harm.

II. FTC Standard

The following is prohibited under 16 C.F.R. Part 465.

§ 465.2 Fake or False Consumer Reviews, Consumer Testimonials, or Celebrity Testimonial
(a) It is an unfair or deceptive act or practice and a violation of this Rule for a business to write, create, or sell a consumer review, consumer testimonial, or celebrity testimonial:

(1) by a reviewer or testimonialist who does not exist;

(2) by a reviewer or testimonialist who did not use or otherwise have experience with the product, service, or business that is the subject of the review or testimonial; or

(3) that materially misrepresents, expressly or by implication, the reviewer's or testimonialist's experience with the product, service, or business that is the subject of the review or testimonial.

(b) It is an unfair or deceptive act or practice and a violation of this Rule for a business to purchase a consumer review, or to disseminate or cause the dissemination of a consumer testimonial or celebrity testimonial, about the business or one of its products or services, which the business knew or should have known:

(1) was by a reviewer or testimonialist who does not exist;

(2) was by a reviewer or testimonialist who did not use or otherwise have experience with the product, service, or business that is the subject of the review or testimonial; or

(3) materially misrepresents, expressly or by implication, the reviewer's or testimonialist's experience with the product, service, or business that is the subject of the review or testimonial.

(c) It is an unfair or deceptive act or practice and a violation of this Rule for a business to procure a consumer review for posting on a third-party platform or website, about the business or one of its products or services, which the business knew or should have known:

(1) was by a reviewer who does not exist;

FILED DATE: 12/2/2024 5:17 PM 2019L005521

(2) was by a reviewer who did not use or otherwise have experience with the product, service, or business that is the subject of the review or testimonial; or

(3) materially misrepresents, expressly or by implication, the reviewer's experience with the product, service, or business that is the subject of the review.

§ 465.4 Buying Positive or Negative Consumer Reviews.
It is an unfair or deceptive act or practice and a violation of this Rule for a business to provide compensation or other incentives in exchange for, or conditioned on, the writing or creation of consumer reviews expressing a particular sentiment, whether positive or negative, regarding the product, service, or business that is the subject of the review.

§ 465.5 Insider Consumer Reviews and Consumer Testimonials
It is an unfair or deceptive act or practice and a violation of this Rule for:

(a) an officer or manager of a business to write or create a consumer review or consumer testimonial about the business or one of its products or services that fails to have a clear and conspicuous disclosure of the officer's relationship to the business;

(b) a business to disseminate or cause the dissemination of a consumer testimonial about the business or one of its products or services by one of its officers, managers, employees, or agents, or any of their relatives which fails to have a clear and conspicuous disclosure of the testimonialist's relationship to the business or to the officer, manager, employee, or agent, when the business knew or should have known the testimonialist's relationship to the business or to one of its officers, employees, or agents; or

(c) an officer or manager of a business to solicit or demand a consumer review about the business or one of its products or services from an employee, from an agent, or from a relative of any such officer, manager, employee, or agent, when:

(1) the officer or manager knew or should have known the prospective reviewer's relationship to the business or to one of its officers, managers, employees, or agents,

(2) the officer or manager:

(i) did not instruct the prospective reviewer to disclose clearly and conspicuously that relationship,

(ii) knew or should have known that such a review appeared without such a disclosure and failed to take remedial steps, or

(iii) encouraged the prospective reviewer not to make such a disclosure, and

(3) the solicitation or demand results in the prospective reviewer writing or creating such a review without such a disclosure.

§ 465.7 Review Suppression.
It is an unfair or deceptive act or practice and a violation of this Rule:

FILED DATE: 12/2/2024 5:17 PM 2019L005521

(a) for anyone to use an unjustified legal threat or a physical threat, intimidation, or false accusation in an attempt to prevent a consumer review or any portion thereof from being written or created or cause a consumer review or any portion thereof to be removed; …

_____

The FTC's Guides Concerning the Use of Endorsements and Testimonials in Advertising (the Endorsement Guides or Guides), codified at **16 C.F.R. Part 255**, establishes the general principles that the FTC uses in evaluating endorsements and testimonials. It also identifies several practices related to consumer reviews that it asserts are misleading, many of which are also addressed in the Consumer Review Rule. Goldberg's alleged practices seem to be inconsistent with the Guides. If so, they are subject to enforcement action by the Commission under Section 5 of the FTC Act and include the following:

- Don't ask for reviews only from people you think will leave positive ones.

- Don't prevent or discourage people from submitting negative reviews.

- Procuring, suppressing, boosting, organizing, publishing, upvoting, downvoting, reporting, or editing consumer reviews in a way that distorts or misrepresents what consumers think of a business' products.

- **Section 255.1 Review Gating**
  A service provider engages in review gating, which involves asking past purchasers to provide feedback and then inviting only those who give positive feedback to post online reviews on one or more websites. The practice "may be unfair or deceptive if it results in the posted reviews being substantially more positive than if the marketer had not engaged in the practice."

- Disparate treatment of positive and negative reviews. Don't subject negative reviews to greater scrutiny.

- **Section 255.2**
  Abusing a third-party review platform's mechanism for reporting suspected fake reviews by routinely flagging negative reviews as fake without a reasonable basis.

- **Section 255.1(e) Liability of Endorsers**
  Endorsers may be liable for their statements in situations where they make representations that they know or should know to be deceptive. The level of due diligence required by the endorsers will depend on their level of expertise and knowledge, among other factors. Liability may be imposed on non-expert endorsers when they make misleading or unsubstantiated representations about performance or efficacy that are inconsistent with the endorser's personal experience or that were not made or approved by the advertiser and that go beyond the scope of the endorser's personal experience. A paid endorser and the company paying the endorser are both potentially liable for the endorser's social media post that fails to disclose the endorser's relationship to the company. This applies to paid consultants and not just employees or those hired to be endorsers. Lastly, an endorser can be found liable for failing to disclose unexpected material connections between themselves and an advertiser, such as when they create and disseminate endorsements without such disclosures.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

III. Background
A Dental Leader's Broken Brand Promise

The ADA Principles of Ethics and Code of Conduct (ADA Code) states that *"the dental profession holds a special position of trust within society."* (Exhibit) Dentists have a fiduciary relationship to patients who are the vulnerable party in the doctor/patient relationship. Patients rely on their dentist to provide accurate diagnoses, recommend appropriate treatments, and offer expert advice. The fiduciary responsibility encompasses not only the clinical aspects of dental care but also ethical considerations, communication, and transparency in all interactions with patients.

Goldberg is a dental specialist called upon to address specific endodontic related issues, such as root canal treatments. Patients typically see Goldberg for a brief window of time that may include a consultation and a one- or two-time treatment. He isn't necessarily cultivating long-term relationships with patients where trust, sincerity, and ethics stand the test of time. Patients don't have the knowledge to assess his recommendations and often take a leap of faith. In fact, general dentists often don't have the expertise to make the kind of treatment calls that the specialist can advise.

An anxious patient with sharp, stabbing tooth pain experiencing an adrenal rush will scurry into the office where Goldberg may perform a root canal and provide needed relief. The "numb shots using state-of-art-technology" make the dreaded root canal painless. Patients are thrilled and express their appreciation in consumer reviews. For example, patient "Pokemon Guy J." writes on Google:

> "Simply amazing. I've never felt like I've had such a close bond with any of my doctors before I met doctor goldberg. He truly is an outstanding person and doctor." (Exhibit)

When all goes well, everyone is happy. Goldberg wisely encourages positive feedback in consumer reviews by catching patients soon after they are relieved of stabbing pain. Hopefully the teeth heal, and patients are served for years to come. However, it's healthcare involving the human body. The reality is that procedures can and do fail. From one end of the globe to another, Goldberg's dental practice is no different than any other business. The customer journey encompasses all interactions and touchpoints a consumer has with a business – from initial awareness to post-sale support. Goldberg's reviews are questionably void of both unflattering feedback and a consumer describing a post-treatment experience where treatment was unsuccessful. It's an opportunity for the business to exemplify outstanding commitment to ongoing patient care with continued guidance and follow through. Tellingly, Goldberg demonstrated that he could not be counted upon once he delivered treatment that failed. Goldberg is not willing to behave different but won't allow criticism.

Yelp, Google, and other consumer review sites believe in the rightful creation of online reputation. Taking advantage of the fact that 90% of consumers say that positive online reviews influence their decisions, Goldberg is suppressing truthful, negative information and painting a deceptive picture of the patient journey. Patients relying on Goldberg's behavior to be consistent with online reviews that he is manipulating will be blindsided, as I was. Moreover, Goldberg is suppressing posts that promote patient empowerment and competition while playing up reviews that position him as being superior to other endodontists. In the meantime, I was a patient left floundering, wondering how to manage a failing tooth amid one confusing and shocking interaction after another.

Goldberg's Brand Promise

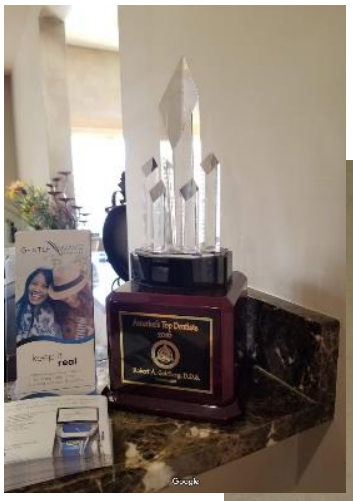
Goldberg publishes his curriculum vitae in public documents that includes honors, publications, teaching experience, lectures, and oral presentations (covering topics such as social media) along with pages of leadership activities associated with his professional affiliations. (Exhibit) He assumes a

FILED DATE: 12/2/2024 5:17 PM 2019L005521

leadership role in the dental community and directly promotes it to gain immediate trust and credibility with patients. For example, a patient named Alla Z. posted the following review across a few online review sites that included Google and Business Yab. On November 20, 2018, Alla Z. writes:

> "….Dr. Goldberg (specialist endodontist) made me feel at ease and, after looking at the tooth CT scan/Xray and thoroughly checking the tooth, saved me a hundreds of $$$ by honesty saying that it would be a waste of money and time trying to save this fractured tooth as it will keep frequently getting inflamed. Look at the pics of the multiple awards he has and mind that he is in the ADA Ethics Committee. So you can be assured that at this place you will receive the best and honest treatment." (Exhibit)

Alla Z. accompanies her review of the **"specialist endodontist"** with several pictures of the stunning dental office featuring high ceilings and glittery golden lights. Yet Goldberg interprets a post stating "All That Glitters is Not Gold…berg" as anti-Semitic hate speech. Alla Z. also includes images of *"Some of the multiple awards the Dr. Robert Goldberg has."* (Exhibit)



Patients have no way of knowing firsthand the quality or character of a dentist. Goldberg's active participation in his profession, particularly leadership efforts, is behavior rewarded by society. For those selecting between dentists or deciding whose treatment recommendation to follow, prospective users of his services and patients, like Alla Z. and me, **feel safe** with Goldberg who directly promotes that he is on an ethics committee and embodies the five fundamental principles of the ADA Code: patient autonomy (self-governance), nonmalefience (do no harm), beneficence (do good), justice (fairness), and veracity ("truthfulness"). (Exhibit)

FILED DATE: 12/2/2024 5:17 PM 2019L005521

Another reviewer, J McDole (later learned to be Goldberg's spouse), writes on Google:

> "From the moment you walk in you feel as if you are in a spa-and you forget about your need for a root canal. Everything in this office is updated and you know you are getting the best care possible. Dr. Goldberg's philosophy of being thorough and honest is apparent. We took some x-rays and scans and after he evaluated them, he was honest enough to let me know that I didn't even need a root canal. He could have just as easily taken my money and done the root canal, but instead spent over an hour letting me know why I didn't need treatment. I'm so happy I decided to visit Dr. Goldberg." (Exhibit)

When a root canal procedure that Goldberg performed seemed to be failing, I relied upon Goldberg's online reviews and didn't hesitate to return to him for continued guidance. J McDole states that his "philosophy of being thorough and honest is apparent." Since patient J McDole seemed familiar enough with Goldberg to conclude that it is his "philosophy," it was reassuring. This is a moral philosophy inherent in all interactions like communication. But what really influenced and sold me is that Goldberg:

"…spent over an hour letting me know why…"

A busy specialist "at the top of his field" "spent over an hour" communicating in such a thorough and clear way that enabled an average patient, like J McDole, to decide. The fact that the recommendation saved J McDole money isn't indicative of Goldberg's honesty. If it's the wrong advice, it could end up costing more money in the end. A specialist who truly cares about the well-being of patients and takes the time to carefully explain things for "over an hour" regardless of whether his advice is perceived as good news or bad, is incredibly impressive. Saving money was a bonus for J McDole.

Patient Alla Z. assures consumers that they will receive the "best and honest treatment" because "mind that he is in the ADA Ethics Committee." Goldberg also relayed to me that he is on an endodontics ethics committee which led me to believe that he is a safe person. Aside from his high ethics, Goldberg represents that he can do complex work that other endodontists can't do. In fact, Google reviewer Kristin Moore is a dental specialist that lends his professional credibility to post reviews across platforms relaying that he will refer patients ***only*** to Goldberg. Dr. Moore writes:

> "…I had two patients in which other endodontists said that treatment was too complicated and that the tooth could not be saved. I referred them to Dr. Goldberg and he successfully treated them. Two years later, they report no pain or problems with their teeth. Dr. Goldberg is at the top of his profession and is respected by all his peers. He is a fantastic endodontist and a wonderful person. I only refer to him for patients needing root canal treatment…" (Exhibit)

In other words, the tooth ***can be saved*** but the other endodontists that Dr. Moore references are recommending extraction because they can't do complex work like Goldberg can perform. Essentially, Dr. Moore is stating that Goldberg is superior to other specialists. Note that Dr. Moore refers "only to him for patients needing root canal treatment" meaning that he not only does complex cases but any root canal treatments. Dr. Moore's statements are confusing. As a layperson, I won't feel comfortable going to another endodontist. If they recommend extraction, consumers might wonder if it is because they can't do the work to save a tooth. If treatment is recommended, consumers might wonder if they are taking on something too complex. Aside from Dr. Moore failing to put context around her statements and doing a disservice to other endodontists, this is consistent with what Goldberg directly represented to me.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

For reviewer Alla Z., the reality is that she just might save more money if her tooth diagnosed with a root fracture could be preserved. Like J McDole, the diagnosis isn't necessarily the litmus test to what is "the best and honest treatment" even though Alla Z. perceives it that way. But Alla Z. points out that Goldberg has multiple awards and serves ethics committees which is absolutely reassuring. The message taken from J McDole, Alla Z., and Goldberg is that he is the top expert in the field and will use his knowledge in an ethical and responsible manner. But what is **key** is that he will spend "over an hour" making sure that the "complex" is relayed in a way that enables a layperson, like me, to make informed decisions. Who could be a more ideal choice than Goldberg?

1. Chaos Begins Within The Self-Governing Dental Industry

Based on Goldberg's direct representations that were supported by his online reviews, I extended *unwavering* trust and faith in him. Nothing would've prepared me for the trajectory of extreme and unprecedented events that unfolded. A failing root canal became punishment for a naïve and vulnerable patient who believed in the brand Goldberg promises to deliver.

I relied upon the endodontist "at the top of his field" who takes the time to "spend over an hour" explaining things. I believed that the repeated unclear rationale "to me" for his recommendations was my inability to grasp things because his reviews claim that he communicates in a way that allows for informed decision making. I owned responsibility to understand prior to consenting to treatment. To gain clarity, I sought alternate opinions, some outside of Goldberg's referral base. Subsequently, I was thrown into a vortex; it would've helped to have received the correct x-ray requested along with clearly communicated test results. It especially would've alleviated a rush to treatment. Even when **five** dental professionals advised against or suggested delaying Goldberg's recommendation, I still believed there had to be logic behind Goldberg's guidance and put the weight onto his professional opinion. Not only did he perform the root canal but is the top expert who makes treatments calls that even other endodontic specialists don't have the expertise to advise – and "mind that he is in the ADA ethics committee."

I consulted Goldberg on the failing tooth twice – once in 2017 and 2018. Each time, Goldberg's advisement was ambiguous at best. In 8/2018, Goldberg's warning that "you'll learn to never question a specialist again" will forever be engrained in my mind. Shortly thereafter, I learned of rumors circulating in the dental and private community that I "illegally hacked files." On 8/18/18, I received a series of anonymous emails from someone named "RANSOM." For several months, my professional social media profile page was flooded with bizarre views ranging from his spouse and family members to colleagues, cyber security professionals, criminal justice organizations, military personnel, etc. It is unknown what is coincidental. The incident surfaced over a password issued to me purportedly by Goldberg's office staff in a 9/2016 patient report and is outlined in the attached reports and correspondence exchanged with the Department of Health and Human Services (HHS), Illinois Department of Financial and Professional Regulation (IDFPR), state legislative offices and local police. The reports also detail my several requests for a 4/2017 scan Goldberg took and used to recommend another procedure on the failing tooth (without clear rationale to ***me***) resulting in my receiving the incorrect scan upon each request, and unclear test results communicated to me. Moreover, they capture the coincidental timing of events along with the psychological shock, confusion, and distress that was expressed to various state agencies while in the process of seeking help due to Goldberg's behavior.

Upon reaching out to resolve matters with Goldberg pertaining to what was a colossal miscommunication, he refused accountability. Instead, Goldberg blamed me for "illegally hacking" his files and placed the burden of harming patients solely onto me. The report containing the password enabling access to online patient information that I was unknowingly not intended to receive was stored in my computer that was compromised twice. Both incidents were reported to police and required computer repair. Goldberg acknowledges that he was made aware of it in 11/2018 but had no interest in learning

FILED DATE: 12/2/2024 5:17 PM 2019L005521

details. He showed no concern for the patients whose information was vulnerable. Goldberg's only focus is on maintaining that he knew nothing about my accessing the online portal until 2019. Except I learned that rumors began circulating shortly after the 8/2018 final appointment where Goldberg expressed anger that others were consulted. As reticent as Goldberg was in 2018, he remains unwilling to be transparent. The entire incident remains a mystery while Goldberg continues to cast blame onto me. My private information was in the online portal along with other patients. Upon accessing the system in 5/2017, it's unclear why no alerts were triggered based on the activity if I wasn't intended to have the password. There was never any communication from Goldberg's office that anything was disclosed, despite representing that information is protected under HIPAA and stored in a system with 256-bit encryption.

My personal well-being was compromised when Goldberg deliberately and knowingly blamed his patient for "illegally hacking files," placed the burden of harming patients solely onto me and left me in a vulnerable position not knowing liability while he took no responsibility and shut down communication. He failed to protect patients' private information and communicate properly. It is unknown what, if any, communication Goldberg had with patients whose information was exposed. I was left in the dark on all accounts while he made it my problem. I reached out to various state agencies for help. According to my state senator, who spoke with Goldberg, he relayed to her there were no patient files in the online portal. In the meantime, rumors and shocking things continued to come back to me. Goldberg perpetuated the harassment into litigation spanning four years.

Goldberg retaliated against me for contacting HHS, IDFPR, and state legislative offices. In June 2019, he sued me for defamation, claiming, among other things, that I intentionally instigated an investigation with HHS to "destroy" his reputation – while ignoring the fact that he blamed and put the burden on his patient. It took Goldberg five years to concede, unwittingly, that he breached patient privacy. However, he positions it as an **"incidental error"** but has consistently maintained that it is **"her violation."** Goldberg claims that he immediately corrected the situation upon learning about the matter. Except, what does that mean? Did he inform patients? If so, when, and how? Why didn't he include the person that he solely blamed. Instead, Goldberg characterizes a patient that reached out to clear up his error that left her confused as "belligerent." (Exhibit) He denies that issuing the password was intended to hurt me. However, the dental leader that "holds a special position of trust" still *deliberately and knowingly* used the "incidental error" to intimidate, harass, and strike fear in his patient by claiming that I "illegally hacked files" and harmed patients. Goldberg leveraged patients' private information to do it. Ultimately, it served the same purpose whether it was initially intended or not. If he wasn't going to communicate with transparency, he didn't have a right to leave me holding the burden.

After Goldberg sued me in June 2019, I learned from HHS (in July 2019) that he isn't covered under HIPAA. Goldberg knows that he isn't covered under HIPAA. Yet, he knowingly reaffirmed to me that he complies with HIPAA regulations. He does this to give patients a false sense of safety leading them to believe that patient private information is protected under HIPAA. (Exhibit) I relied upon that representation only to learn that he isn't covered under HIPPA. It is unclear who a patient would otherwise contact for help. In his complaint, Goldberg alleges that I defamed him by falsely stating that he violated HIPAA despite representing, and reaffirming in email correspondence to me, that he is HIPAA compliant and conceding to an "incidental error" – all while blaming me. In his complaint, he even referenced the November 2018 correspondence between us where he reaffirmed his compliance with HIPAA regulations. A patient is forced into expensive litigation where Goldberg knowingly conceals to the court that he made representations which were relied upon. Not only is it unfair to sue his patient but he is knowingly deceiving a court while dismissing the fact that he harmed other patients in addition to me. But Goldberg expects to be compensated for "emotional distress." In 5/2023, the court dismissed his alleged defamation allegation concerning my alleged statement that he violated HIPAA. It is unclear why it was advanced to pleadings.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

As far as Goldberg's guidance, it still doesn't make sense. Relying upon Goldberg's reviews did more damage than anyone can imagine. Posts that state he "spent over an hour" clearly communicating rationale that allowed for informed decision making were written by his spouse (or her family), Julie McDole Goldberg. In his complaint, Goldberg states that he "patiently" explained things and believes this renders a patient's expressions of confusion defamatory. I was left floundering, wondering how to manage a failing tooth as rumors circulated that I was an illegal hacker.

If I had the information and perspective of a reviewer that had my experience, it would've provided critical insight and dramatically altered the trajectory of unfortunate events. I was blindsided by someone who, like his patients, is only human too. He was resolved in his handling of matters and remains so to this day. Despite repeatedly flagging J McDole's deceptive review that harmed me and others, Google didn't remove it. It prompted me to post online reviews to offset the deceptive ones to mitigate further harm to others. (In 10/2023, when introduced in discovery, the review has disappeared.)

2. Chaos Across Online Consumer Review Sites

Upon posting unflattering reviews, Goldberg improperly suppressed them as they were posted, while soliciting hundreds of positive reviews and testimonials – many directly refuting the unflattering speech. When a post would vanish into cyberspace for unclear reasons, it was reposted only for Goldberg to suppress it again – creating a virtual vortex that went on for weeks and later used to falsely claim that ***he*** was cyber harassed. He even hides reviews as simple as:

"I'm disappointed with my experience at this office."(Exhibit)

Goldberg used online mayhem to impede and frustrate a consumer wishing to leave a review he doesn't appreciate. He exploited rules, deceived site moderators into removing reviews for alleged violations that were the result of his own violations, hid posts, and misused reputation management tools. (V. Goldberg Unfairly Deprives Consumers – Allegedly 90 Times – Of Truthful Negative Information Through Deceptive, Unfair, and Illicit Review Suppression).

As Goldberg repeatedly suppressed posts – allegedly 90 times – he never attempted to address the "*questions and concerns"* of his patient or otherwise resolve matters, like produce the correct x-ray referenced in posts he removed. Clearly, he knew who to contact. Instead, Goldberg continued to suppress posts that promote patient empowerment and competition while collecting only flattering five-star reviews that position him as superior to other specialists and the one to trust.

When the dentist could no longer suppress reviews, he contacted me. Except it wasn't to address *"questions and concerns"* as the ADA claims dentists would choose and certainly one who purports to embody the ADA Code. Instead, Goldberg issued unjust threats and ultimatums, demanding that posts be taken down along with a public apology – while the posts that harmed me and others remained visible. Concurrently, there wasn't a good-faith effort to provide a correct x-ray referenced in reviews. I was forced to contact IDFPR to obtain it – the state directed Goldberg to produce it. Moreover, he launched a persecution, legally threatening and harassing elders and vulnerable women – such as my now 90-year-old uncle and his wife – that he presumed conspired in posting criticism only to demonstrate the pernicious anger that is otherwise hard to believe unless experienced firsthand.

3. Chaos Continues – The Improper Use of the Legal System

When I refused to remove speech without reasonable resolution, Goldberg waged legal extortion demanding **$4,000,000** for alleged defamation to strike fear in his patient – just as he intimidated me with

FILED DATE: 12/2/2024 5:17 PM 2019L005521

accusations and smear that I "illegally hacked" his patient files. Goldberg had no interest in discussing matters until he could victim play on a public stage where his psychological abuse took on a whole new meaning. His attorney repeatedly waged criminal allegations to coerce a settlement demanding the removal of online criticism and to punish the patient. But more alarming is to profit despite knowing that Goldberg harmed his patients. He had the chance to produce the correct scan which would've prompted his patient to post an update to the review referencing that I received the incorrect scan. He also had the chance to clear any miscommunication. Rather than simply resolving matters, Goldberg ***chose*** to retaliate.

The ADA Code states that "*the profession makes a commitment to society that its members will adhere to high ethical standards."* It also notes that *"ethical obligations may – and often do – exceed legal duties. In resolving any ethical problem not explicitly covered by the ADA Code, dentists should consider the ethical principles, the patient's needs and interests, and any applicable laws."* (Exhibit). Everyone has momentary lapses in judgement. It's what makes us human and connects us all – including between a doctor and patient. In our humanity, we extend empathy, compassion, and support to others. Ethical behavior involves considering not only what is technically allowed but what is morally right and just.

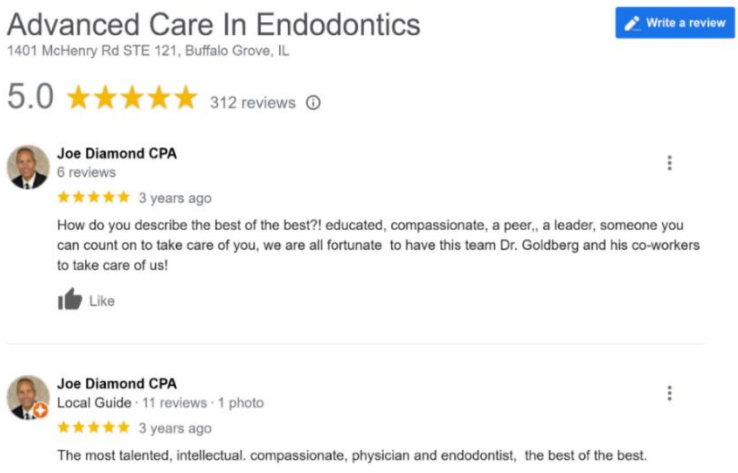
Goldberg doesn't appear to have a momentary lapse in judgement. From within the dental industry to the online venue and onto the public stage, he seems to demonstrate an actual and deliberate intention to harm. Attached to his legal complaints is the ADA Code intended to demonstrate alleged defamation. Here, the ADA Code is not merely "*a written expression of the obligations arising from the implied contract between the dental profession and society"* that patients hope dentists will follow. (Exhibit) It is also Goldberg's brand that he directly promises and promotes in consumer reviews. The brand is the emotional and psychological relationship that Goldberg has with patients, colleagues, consumers, etc. It is unique to everyone and defined by the consumer, not Goldberg. A patient was forced to spend over $60K personally, not including the financial costs incurred by others, to defend the constitutionally guaranteed right to free speech or others will and have been hurt too.

In 2020, Google reviewer Joe Diamond CPA writes,

"How do you describe the best of the best?! educated, compassionate, a peer, a leader, someone you can count on to take care of you, we are all fortunate to have this team Dr. Goldberg and his co-workers to take care of us!" (Exhibit)

Aside from hoping that a dentist is educated, Joe Diamond's review doesn't explain what his experience is with Goldberg's service and his relationship to the dentist is unclear. At the same time, Joe Diamond CPA writes yet another review on Google under the same account profile name except using an alternate account. (Exhibit) He relays:

"The most talented, intellectual, compassionate physician and endodontist, the best of the best."


Advanced Care In Endodontics
1401 McHenry Rd STE 121, Buffalo Grove, IL
Write a review
5.0 ★★★★★ 312 reviews
Joe Diamond CPA
6 reviews
★★★★★ 3 years ago
How do you describe the best of the best?! educated, compassionate, a peer,, a leader, someone you can count on to take care of you, we are all fortunate to have this team Dr. Goldberg and his co-workers to take care of us!
Like
Joe Diamond CPA
Local Guide · 11 reviews · 1 photo
★★★★★ 3 years ago
The most talented, intellectual. compassionate, physician and endodontist, the best of the best.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

By July 2020, Goldberg knew that he improperly flagged and removed posts but continued to conceal his acts to a court. (V.A.1. and 2.) As Mr. Diamond is posting consumer reviews in 2020 to inform the public that Goldberg is "the most talented and compassionate leader," he is skillfully deceiving a judge into believing that he was defamed and cyber harassed to remove posts and profit.

Patients are relying upon someone who is manipulating his online reputation that leads them to believe he has a safe mindset. Goldberg demonstrated that he can't be trusted to resolve minor issues. The dentist led a patient into an online portal then accused her of "illegally hacking files."; sued a patient for $4M alleging that she falsely stated he violated HIPAA even though he represents that he complies with HIPAA regulations.; and repeatedly suppressed consumers' reviews improperly that were reposted but filed a police report claiming that he was harassed through electronic means. (Exhibit) When Goldberg could've produced a correct x-ray and easily resolved a consumer's issue, he ***chose*** to retaliate.

Mr. Diamond asks, "How do you describe the best of the best?!" The "intellectual, compassionate, ethical physician and leader" can be described as someone who characterizes patients who place their trust and faith in him – some during the most vulnerable times in their lives – as follows.

The patient:

"

will learn to never question a specialist again;
blames dentists;
is consistently late;
obsesses about tooth sensitivity;
has nothing to do but obsess about an x-ray;
is fabricating that she received the incorrect x-ray;
caused a root canal to go awry
is responsible for exasperating her own tooth symptoms;
falsely stated I violated HIPAA;
illegally hacked files;
secretly used a password and it is her violation;
asked the office for everything;
is doctor shopping;
is belligerent;
is erratic;
is strange;
is mentally ill;
is delusional;
is contemptuous;
is a crazy bitch to take down;
is an older woman of her generation;
is a bible thumper;

FILED DATE: 12/2/2024 5:17 PM 2019L005521

…continued,

is obsessed with destroying her perceived enemies;
is filled with hate;
is a rabid anti-Semite;
is a religious zealot mistaking Christianity for the First Amendment;
vandalized my car by putting nails in the tires;
engaged in defamation, cyber-harassment, and hate-speech;
impersonated patients;
defames every dental professional associated with me;
is self-righteous;
is like a terrorist;
engaged in seriously disturbed criminal conduct;
is unstable and dangerous;
is a sociopath on an obsessed moral/religious crusade;
is a radical terrorist perverting the Koran and Islam;
is a social media psychopath;
is an internet troll;
engages in criminal witness tampering;
threatened to inflict violence and kidnap counsel's daughter."

Robert A. Goldberg, DDS,

"specialist endodontist"

BROKE HIS BRAND PROMISE

When tested, Goldberg failed. Not just once. Repeatedly. But no one will be the wiser because the dental leader who failed to deliver what he promises and promotes in consumer reviews can intimidate and harass vulnerable patients he grooms into silence. His methods to ensure that he ranks at the top of search engines are inherently ironic.

Goldberg is allegedly skewing consumers' understanding of his online consumer reviews in an extreme manner that is deceptive (or unfair and abusive). He is misrepresenting his business and the consumer experience by (i.) deceiving consumers who read reviews about the nature of those reviews.; and (ii.) unfairly depriving prospective users of his dental services from truthful, negative information using illegal review suppression. Goldberg's acts have and continue to harm patients, prospective users of his dental services, and competitors that work hard and play by the rules.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

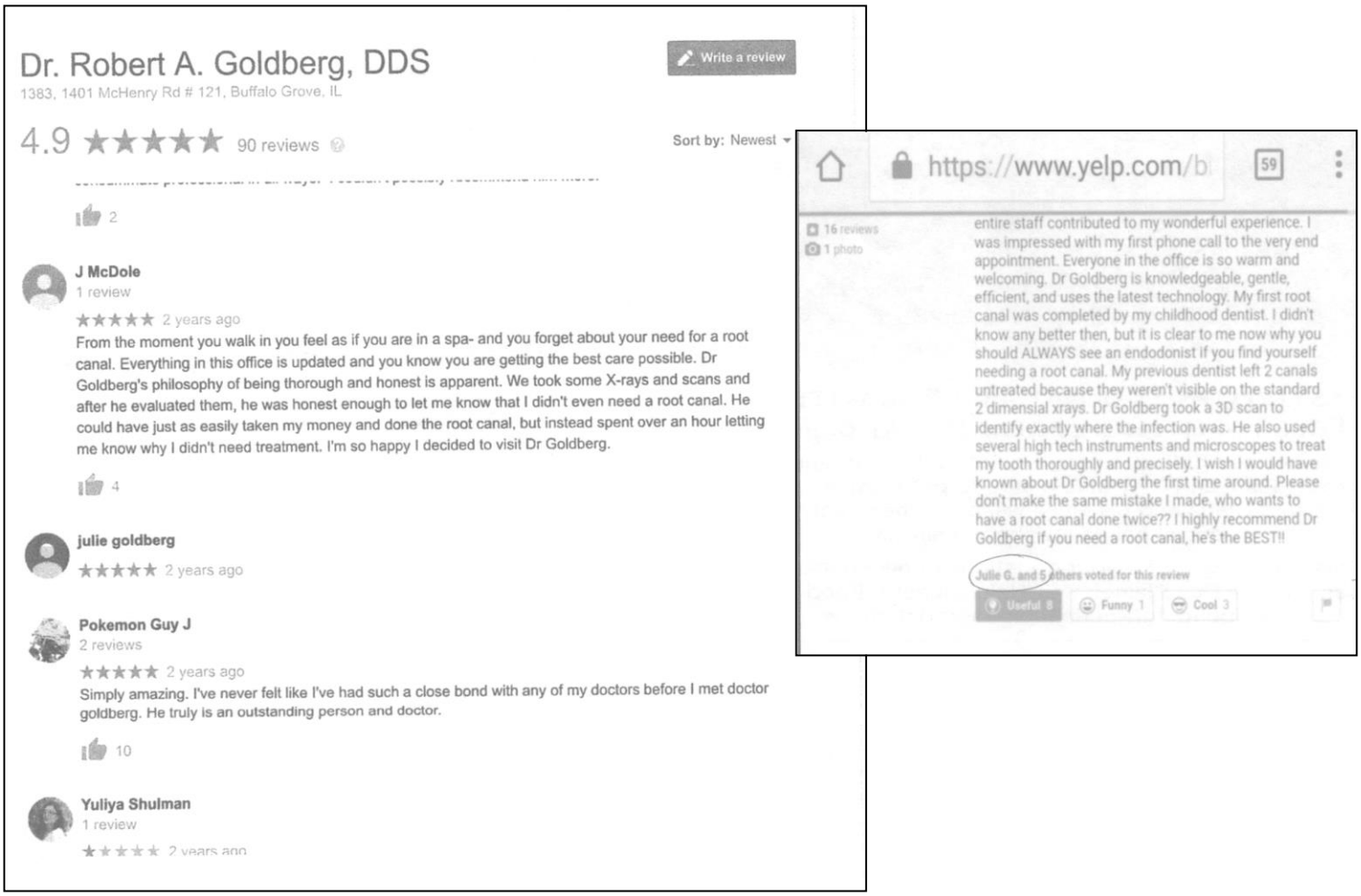
IV. Goldberg Deceives Consumers Who Read Reviews About the Nature of Those Reviews

In 9/2020, Goldberg filed a third amended complaint knowing that there was a settlement conference scheduled. (Exhibit) He added four meritless charges that have been dismissed with prejudice. They include Breach of Contract, Fraud, Consumer Fraud, and Tortious Interference with Prospective Business Relations. To put this in perspective:

Goldberg sued **the consumer** – who **was harmed** by his deceptive reviews and tried to repeatedly repost what he suppressed to mitigate harm to others – for **consumer fraud**.

He claimed $4,000,000 in financial damage and emotional distress for alleged reviews calling them "impersonations." He alleged that websites were defrauded because a consumer had to repost what he improperly suppressed – and for reasons that weren't even violations but a result of his infractions. (See V.A.1-3.) Goldberg knew, at least by 7/2020, that he improperly suppressed speech but concealed his deceptive acts to the court. Juxtaposed to this, Goldberg's deceptive reviews that did harm me and others remain visible.

The review of J McDole, posted on Google, is written by his spouse (or her family). She provides another five-star rating boost on Google under a different profile name as "julie goldberg." On Yelp, she uses "Julie G." and upvotes all of Goldberg's flattering reviews. (Exhibit) I repeatedly flagged J McDole's review appearing on Google that harmed me, but it was not removed.


Dr. Robert A. Goldberg, DDS
1383, 1401 McHenry Rd # 121, Buffalo Grove, IL
Write a review
4.9 ★★★★★ 90 reviews
Sort by: Newest
2
J McDole
1 review
★★★★★ 2 years ago
From the moment you walk in you feel as if you are in a spa- and you forget about your need for a root canal. Everything in this office is updated and you know you are getting the best care possible. Dr Goldberg's philosophy of being thorough and honest is apparent. We took some X-rays and scans and after he evaluated them, he was honest enough to let me know that I didn't even need a root canal. He could have just as easily taken my money and done the root canal, but instead spent over an hour letting me know why I didn't need treatment. I'm so happy I decided to visit Dr Goldberg.
4
julie goldberg
★★★★★ 2 years ago
Pokemon Guy J
2 reviews
★★★★★ 2 years ago
Simply amazing. I've never felt like I've had such a close bond with any of my doctors before I met doctor goldberg. He truly is an outstanding person and doctor.
10
Yuliya Shulman
1 review
★★★★★ 2 years ago
https://www.yelp.com/b
59
16 reviews
1 photo
entire staff contributed to my wonderful experience. I was impressed with my first phone call to the very end appointment. Everyone in the office is so warm and welcoming. Dr Goldberg is knowledgeable, gentle, efficient, and uses the latest technology. My first root canal was completed by my childhood dentist. I didn't know any better then, but it is clear to me now why you should ALWAYS see an endodonist if you find yourself needing a root canal. My previous dentist left 2 canals untreated because they weren't visible on the standard 2 dimensial xrays. Dr Goldberg took a 3D scan to identify exactly where the infection was. He also used several high tech instruments and microscopes to treat my tooth thoroughly and precisely. I wish I would have known about Dr Goldberg the first time around. Please don't make the same mistake I made, who wants to have a root canal done twice?? I highly recommend Dr Goldberg if you need a root canal, he's the BEST!!
Julie G. and 5 others voted for this review
Useful 8
Funny 1
Cool 3

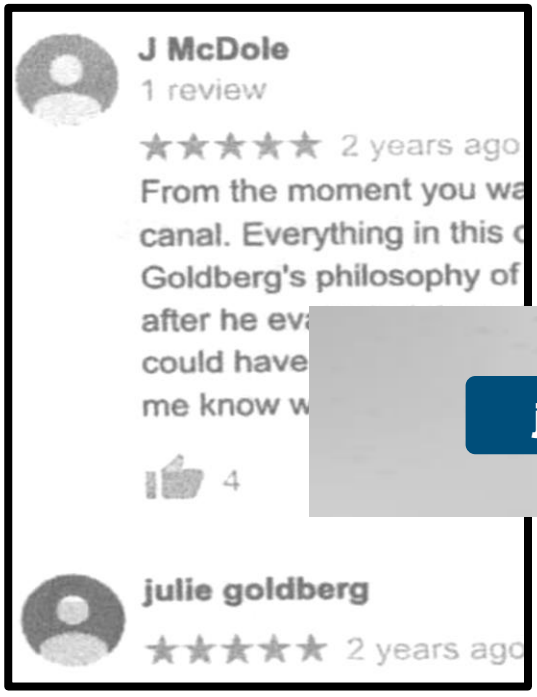
FILED DATE: 12/2/2024 5:17 PM 2019L005521

Julie Goldberg is a dentist by training and works as a dental educator at OMS Nat'l Insurance, a malpractice insurance carrier for oral surgeons. (Right) Ironically, Dr. Julie Goldberg serves on a patient safety and risk management committee for the organization.

OMS Nat'l Insurance @OMSNIC · Jul 10, 2020
Your state has "reopened" - How Do You Move Forward?
Education Coordinator Julie Goldberg, DDS shares how to best open your practice and begin treating patients. bit.ly/2Z5tK4a
OMSNIC
DEFENDING THE SPECIALTY
Your State Has "Reopened" – How Do You Move Forward?
Julie Goldberg, DDS
Education Coordinator
atus/1281633045217521664/photo/1
1

"J McDole," "julie goldberg," and "Julie G." are the same person appearing as three different individuals. She posts twice under the same account profile on Google. When Dr. Julie Goldberg writes a review for her husband, she uses her maiden name, "McDole," to **"impersonate"** an average patient appearing to have **no relation** to Goldberg. J McDole has only one review on Google. Under the name "julie goldberg" she provides yet another 5-star rating boost.

In Goldberg's words, he and/or his spouse allegedly "defraud" Google and the public into believing that she is two different people – one with no relation to Goldberg (even if a family member). However, Goldberg seeks thousands of dollars in compensation claiming that an anonymous post from reviewer "Shocked MK" harmed him. Goldberg removed the review on Google multiple times for alleged violations that he allowed others posting flattering speech to do. In the meantime, J McDole's review along with julie goldberg's endorsement – that did harm Alberti and others – remained visible. Despite flagging it multiple times, Google did not remove either endorsement. The poster of the alleged "Shocked MK" review appears to have used the gmail account juliemcdole835@gmail.com to post the review. It seems likely that the poster of the "Shocked MK" review intended on alerting Google to J McDole and julie goldberg's endorsements. As Goldberg requested takedowns of reviews for reasons a court deemend nonactionable, he didn't remove the deceptive post written by J McDole or the endorsement by "julie goldberg."



The "compassionate and ethical leader" repeatedly denied a patient the right to free expression and report an alleged crime, cutting to the core of her humanity, in a disgraceful and psychologically abusive manner. In the meantime, they allegedly conceal fraudulent and deceptive acts reflecting directly back at them.

juliemcdole835@gmail.com

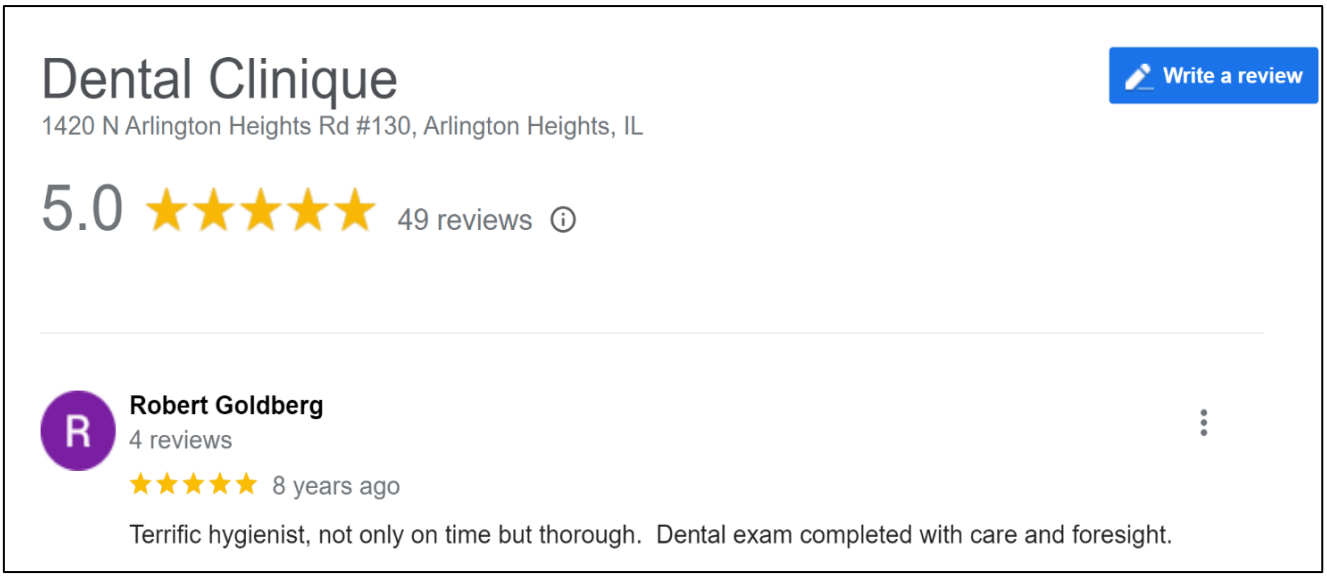
FILED DATE: 12/2/2024 5:17 PM 2019L005521

While J McDole is a nice spouse supporting her husband, that single review was injurious in unimaginable ways. It would not have rendered the same impact had it been known that J McDole is Goldberg's spouse, or someone otherwise related to him, and a dentist. The **"spent over an hour letting me know why"** sold me. J McDole delivers a compelling message that does double duty. It portrays Goldberg as a non-stereotypical dentist rather than one that a patient might fear is drilling for dollars. Thus, he can be trusted. For someone like me, it appeals to the need for information that is detailed and clear. The diagnosis itself isn't the litmus test to a doctor's sincerity.

Even though J McDole could be a patient and pleased that she decided to visit her own husband, she is a dentist with a level of professional training that the average person doesn't have – none of which she discloses. J McDole deceives Google and the public by "impersonating" an average patient like me who wants to hear what others in their position have to say. J McDole's review continued to leave me dumbfounded as to how two patients could have entirely different experiences. I continued to question myself and extended the benefit of the doubt to Goldberg only to waste two years with a dentist who I couldn't seem to get a clear explanation from on just about anything.

How does Goldberg treat a patient who relied upon an allegedly false review that describes him as a dentist who spent "over an hour" explaining things? He issued Alberti a password to an online portal rendering her an alleged criminal hacker because he claims that she "asked the office for everything." In the meantime, he spent "over an hour" with another patient even though he wasn't going to make a sale. Goldberg, who repeatedly name calls Alberti mentally ill and delusional, sues the patient that he claims has diminished mental capacity for $4M. Afterall, he "patiently" explained the procedure which, according to Goldberg, renders the poster's statement defamatory. Even when he attempted to collect money for alleged defamation, he still wasn't willing to explain that which remains a mystery. And the "intellectual and compassionate dental leader" interprets a statement expressing confusion to imply that he recommended "unnecessary treatment to collect fees he otherwise wouldn't be entitled to because he is a "greedy Jew" when, in fact, he referred the procedure to an oral surgeon in a separate business. How would Goldberg be collecting fees he's not entitled to? He didn't even want Alberti as a patient let alone generate profit from her. But Goldberg characterizes the patient as a "contemptuous anti-Semite and religious zealot mistaking Christianity for the First Amendment."

Goldberg also seemingly "impersonates" patients by writing flattering reviews that lack disclosure for colleagues. Dental Clinique is owned by general dentist Dr. Madelina Ivan. Not only does Dr. Ivan refer patients to Goldberg, but she also purchased the dental practice of Goldberg's father.


Dental Clinique
Write a review
1420 N Arlington Heights Rd #130, Arlington Heights, IL
5.0
49 reviews
Robert Goldberg
4 reviews
8 years ago
Terrific hygienist, not only on time but thorough. Dental exam completed with care and foresight.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

As Goldberg targets Alberti's legitimate speech, prohibited by **§ 465.7 Review Suppression,** he and his consumer testimonialists are allegedly in violation of the following.

§ 465.5 Insider Consumer Reviews and Consumer Testimonials

It is an unfair or deceptive act or practice and a violation of this Rule for:

(b) a business to disseminate or cause the dissemination of a consumer testimonial about the business or one of its products or services by one of its officers, managers, employees, or agents, or any of their relatives which fails to have a clear and conspicuous disclosure of the testimonialist's relationship to the business or to the officer, manager, employee, or agent, when the business knew or should have known the testimonialist's relationship to the business or to one of its officers, employees, or agents; or

(c) an officer or manager of a business to solicit or demand a consumer review about the business or one of its products or services from an employee, from an agent, or from a relative of any such officer, manager, employee, or agent, when:

(1) the officer or manager knew or should have known the prospective reviewer's relationship to the business or to one of its officers, managers, employees, or agents,

(2) the officer or manager:

(i) did not instruct the prospective reviewer to disclose clearly and conspicuously that relationship,

(ii) knew or should have known that such a review appeared without such a disclosure and failed to take remedial steps….

Section 255.1(e) Liability of Endorsers

Endorsers may be liable for their statements in situations where they make representations that they know or should know to be deceptive. The level of due diligence required by the endorsers will depend on their level of expertise and knowledge, among other factors. Liability may be imposed on non-expert endorsers when they make misleading or unsubstantiated representations about performance or efficacy that are inconsistent with the endorser's personal experience or that were not made or approved by the advertiser and that go beyond the scope of the endorser's personal experience. A paid endorser and the company paying the endorser are both potentially liable for the endorser's social media post that fails to disclose the endorser's relationship to the company. This applies to paid consultants and not just employees or those hired to be endorsers. Lastly, an endorser can be found liable for failing to disclose unexpected material connections between themselves and an advertiser, such as when they create and disseminate endorsements without such disclosures.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

Google

J. McDole's review and julie goldberg's endorsement appear to be in violation Google's terms of service that includes, in pertinent part, the following: (https://support.google.com/local-guides/answer/7400114?hl=en&sjid=7874898058923667130-NA#)

> **Fake Engagement**
> This includes Content that has been posted from multiple accounts to manipulate a place's rating.
>
> **Impersonation**
> We **do allow content that contains alternative names for a person** or organization where the content is not attempting to mislead others.
>
> **Misrepresentation**
> Misleading information can impact the quality of information on Google Maps. For this reason, we don't allow individuals to use Google Maps to mislead or deceive others, or make **misrepresentations**. This includes:
>
> - Distorting or omitting facts to scam other users.
> - Distorting or omitting information that could have an undue impact on user decision making.
> - Content that is based on a conflict of interest.

During the timeframe that Goldberg repeatedly suppressed Alberti's posts, he collected only flattering posts. (VI.1. Alleged Review Gaiting and Unequal Treatment) In his complaint, Goldberg demands to be reimbursed for a reputation management tool that he admits using to monitor posts so he could take efforts to remove them. However, he fails to direct disclosures in reviews that he collected. For example, in May 2019, reviewer Kate Laux writes on Google:

> "…I'm so happy that I found Dr. Goldberg. My Mom needed a root canal and she was terrified. Dr. Goldberg came highly recommended by my dentist, so we made an appointment. We spoke with Maria and got an appointment ASAP because my Mom was in a lot of pain…" (Exhibit)

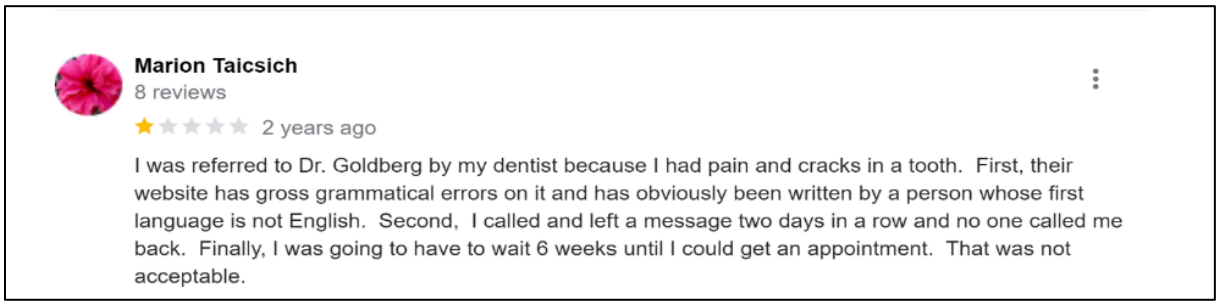
Kate Laux is allegedly Dr. Kate Limardi from Kennedy & Limardi Family Dental. (Exhibit) She is a dentist who owns a practice that refers patients to her *colleague* and *friend* Goldberg, none of which he directs her to disclose despite admitting that he monitors posts.

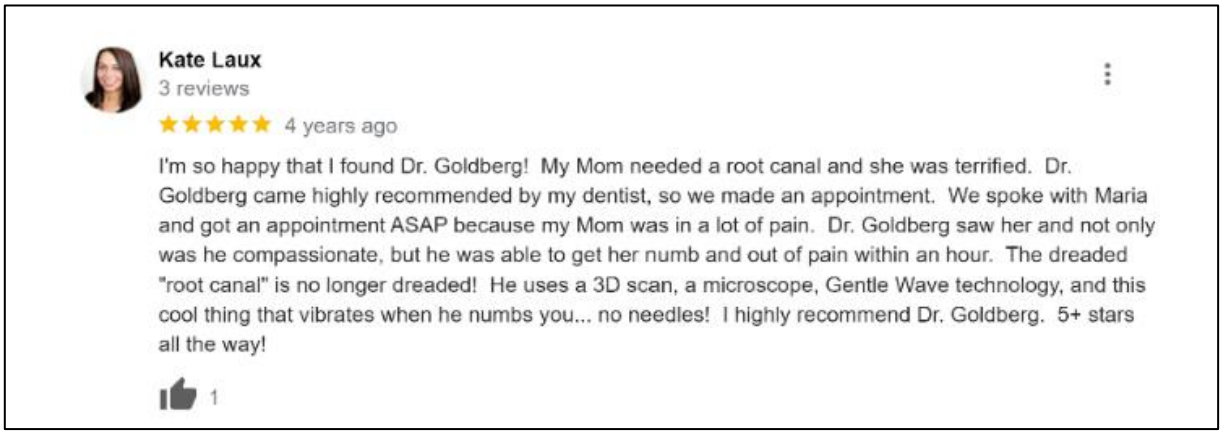
Prospective patients rely on reviews from others in their same position. For example, in 2021, Google reviewer Marion Talcsich writes of her interaction with the office when she was referred to Goldberg by her dentist. She writes:

> "I was referred to Dr. Goldberg by my dentist because I had pain and cracks in a tooth. First, their website has gross grammatical errors on it and has obviously been written by a person whose first language is not English. Second, I called and left a message two days in a row and no onc called me back. Finally, I was going to have to wait 6 weeks until I could get an appointment. That was not acceptable." (Exhibit)

FILED DATE: 12/2/2024 5:17 PM 2019L005521

Upon contacting the office several times due to pain from a cracked tooth, Ms. Talcsich relays that she didn't get a response for several days. When she finally spoke with someone, Ms. Talcsich stated that she was going to have to wait six weeks to get an appointment. But Ms. Laux gets an appointment for her mother **"ASAP"** while failing to mention that she is a friend and dentist whose practice she co-owns refers business to Goldberg. (Exhibit) To complete Ms. Laux's review, she plugs the "Gentle Wave technology."


Marion Taicsich
8 reviews
2 years ago
I was referred to Dr. Goldberg by my dentist because I had pain and cracks in a tooth. First, their website has gross grammatical errors on it and has obviously been written by a person whose first language is not English. Second, I called and left a message two days in a row and no one called me back. Finally, I was going to have to wait 6 weeks until I could get an appointment. That was not acceptable.


Kate Laux
3 reviews
4 years ago
I'm so happy that I found Dr. Goldberg! My Mom needed a root canal and she was terrified. Dr. Goldberg came highly recommended by my dentist, so we made an appointment. We spoke with Maria and got an appointment ASAP because my Mom was in a lot of pain. Dr. Goldberg saw her and not only was he compassionate, but he was able to get her numb and out of pain within an hour. The dreaded "root canal" is no longer dreaded! He uses a 3D scan, a microscope, Gentle Wave technology, and this cool thing that vibrates when he numbs you... no needles! I highly recommend Dr. Goldberg. 5+ stars all the way!
1

Ms. Laux is undoubtedly a supportive friend and seems like a fun dentist who references "…this cool thing that vibrates when he numbs you…no needles!..." However, a friend and dentist referring business to Goldberg can likely squeeze her mother into his busy schedule much quicker than Ms. Talcsich might be able to do. In the meantime, Ms. Talcsich was in pain but delayed finding another dentist for several days because she relied upon a deceptive review that led her to believe an average patient in pain could get an appointment "ASAP." While one to two weeks might even be reasonable, Ms. Talcsich felt that six weeks "is not acceptable" for someone in pain to wait.

Goldberg repeatedly suppressed and took issue with anonymous posts claiming that they are "impersonations." An alleged "impersonation" that encourages consumers to seek opinions from other dental professionals before deciding who will do the work, even if the dentist chosen is Goldberg, is not harming anyone. (IV. Alleged Review Gating and Unequal Treatment) However, Goldberg allows Ms. Laux to allegedly "impersonate" an average patient whose review people in pain rely upon. In fact, Ms. Laux seemingly goes out of her way to appear as an average patient, stating that Goldberg came "highly recommended by my dentist." One might wonder who Ms. Laux's dentist is that highly recommended him since she is a dentist that highly recommends Goldberg.

Goldberg's practices seem to be inconsistent with the Guides codified at **16 C.F.R. Part 255**. Moreover, the reviews of Kate Laux, Joe Diamond CPA, Alla Z. and dozens of other reviews appear to be in violation of various rules falling under the following.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

§ 465.2 Fake or False Consumer Reviews, Consumer Testimonials, or Celebrity Testimonial

(b) It is an unfair or deceptive act or practice and a violation of this Rule for a business to purchase a consumer review, or to disseminate or cause the dissemination of a consumer testimonial or celebrity testimonial, about the business or one of its products or services, which the business knew or should have known:

(1) was by a reviewer or testimonialist who does not exist;

(2) was by a reviewer or testimonialist who did not use or otherwise have experience with the product, service, or business that is the subject of the review or testimonial; or

(3) materially misrepresents, expressly or by implication, the reviewer's or testimonialist's experience with the product, service, or business that is the subject of the review or testimonial.

(c) It is an unfair or deceptive act or practice and a violation of this Rule for a business to procure a consumer review for posting on a third-party platform or website, about the business or one of its products or services, which the business knew or should have known:

(1) was by a reviewer who does not exist;

(2) was by a reviewer who did not use or otherwise have experience with the product, service, or business that is the subject of the review or testimonial; or

(3) materially misrepresents, expressly or by implication, the reviewer's experience with the product, service, or business that is the subject of the review.

Google

The reviews appear to violate Google's terms of service that includes, in pertinent part, the following: (https://support.google.com/local-guides/answer/7400114?hl=en&sjid=7874898058923667130-NA#)

Fake Engagement
This includes Content that has been posted from multiple accounts to manipulate a place's rating.

Impersonation
We **do allow content that contains alternative names for a person** or organization where the content is not attempting to mislead others.

Misrepresentation
Misleading information can impact the quality of information on Google Maps. For this reason, we don't allow individuals to use Google Maps to mislead or deceive others, or make **misrepresentations**. This includes:

- Distorting or omitting facts to scam other users.
- Distorting or omitting information that could have an undue impact on user decision making.
- Content that is based on a conflict of interest.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

V. Goldberg Unfairly Deprives Consumers – Allegedly 90 Times – Of Truthful Negative Information Through Alleged Deceptive, Unfair, and Illicit Review Suppression

A. Goldberg Deceives Consumers – Allegedly 90 Times – Who Wish to Leave Consumer Reviews Using Online Mayhem to Confuse and Frustrate Them into Abandoning Criticism

In Goldberg's retaliatory complaint, his central arguments include that (i) everything the patient said is false, fabricated, and defamatory; and (ii.) ***he*** is the victim of cyber harassment. He asserts that the sheer volume of allegedly "90 unflattering posts," disparaged him. Further, he represents that his patient set out to deceive review sites by impersonating and posting fabricated statements intended to harm him.

On February 9, 2022, the court ruled on Goldberg's Fourth Amended Complaint. It was the court's opinion that statements made in posts were ***not*** defamatory. (Exhibit) The court advised the parties to settle his dispute or conduct discovery based on the allegation that he was defamed for various privileged statements made when the patient sought help from the state pertaining to his privacy breach.

Goldberg refused to put matters to rest. Why? Because he wants unflattering online reviews removed. In fact, Goldberg even wants reviews that he hid (resulting in reposts) to be taken down because they impact his online star ratings.

At the February 2022 public court hearing, Goldberg desperately pivoted to arguing that he was cyber harassed to prove libel. Goldberg asserts, *"if someone is hiding behind a false identity to say I had a bad experience with my root canal from Dr. Goldberg; he screwed it up. If that is repeated ten times under ten different names, even if it was true from the first opinion and even if that could clearly be described as an opinion, the additional descriptions of that event I think become libelous" Because it's not ten bad opinions about a botched root canal, it's ten people saying that, and ten people have a lot more weight, Judge, than one."* (Exhibit)

It should be noted that Goldberg's patient never stated or even implied that he "screwed it up" or "botched" a root canal. For four years, statements that don't exist have been used to harass a consumer and litigant. In fact, posts that he removed – allegedly 90 times – relay that Goldberg is:

"a talented endodontist" with a "brilliant career"
"a reputable choice for performing a root canal"
"can perform a painless root canal."
"seems very skilled"

Why were they taken down? Because Goldberg allegedly exploited and violated rules, deceived site moderators, hid posts, and is misusing reputation management tools that resulted in deceiving, frustrating, and impeding a consumer trying to post a review. What is misrepresented as "screwed it up" (that is never stated or even implied) and under "ten" different names (which never happens) is Goldberg improperly using the legal system to manage his reputation. Plain and simple, he doesn't want to be criticized but won't consider the perspective of anyone else.

By at least **July 2020**, Goldberg was keenly aware that he flagged and removed Alberti's speech improperly as it was being posted but continued to conceal his deceptive acts for malicious purposes. Allegedly 90 posts that Goldberg suppressed does not prove libel. It represents his extreme measures to manipulate the customers' perception of his business. He doesn't want consumers to think that treatment can fail which is completely unrealistic. If it does, he doesn't want anyone to know that he can't be counted upon which he absolutely proved that he could not be.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

1. Goldberg Was Not Cyber Harassed, He Cyber Harassed His Patient

Cyber harassment is a threat via the use of digital technologies. It is a repeated behavior aimed at threatening, scaring, shaming, and silencing those who are targeted. Goldberg was not cyber harassed, he cyber harassed his patient. And it wouldn't be the first time he deployed alleged "shenanigans," threats, scaring, and shaming to incite fear in his target.

Goldberg states that his patient *"posted well over ninety reviews on various internet sites. She repeats the posts over and over as they are taken down for violation of various sites' terms of service*." Note that he admits **"as they are taken down."** They were reposted after they were removed for unknown reasons. He also argues that "*reviews were being authored by her after the review sites flagged her posts as defamatory."* Review site moderators don't flag posts. They don't make judgements as to what is defamatory. It's between the consumer and the service provider. The sites merely respond to flagged reviews or reports brought to their attention and consider the reason. In his complaint, Goldberg demands:

> "to be reimbursed for the cost of a monitoring service to monitor Defendant's defamatory and **fraudulent posts** so that he could make efforts to **remove** them, some of which were **successful** but which resulted in Defendant posting yet additional defamatory or fraudulent reviews with new accounts, and fake emails which she created for the purpose in violation of the review sites' terms of service." (5AC, Page 44, ¶132).

There it is. Goldberg admits to monitoring and getting posts removed that were reposted as a result. Goldberg has no right to presume statements are false and take the law into his own hands, which he appears to have done. He knew that his patient was wishing to post a review but manically exploited rules that deceived and confused the consumer. It is significant that allegedly 90 posts weren't websites' terms of service violations but a result of Goldberg's own alleged websites' terms of service violations or flowing from his misuse of tools to hide them. (V.A.2.-3.)

Goldberg unabashedly admits to his own abusive actions. However, he calls it being "cyber harassed." The entitled position of this business owner delivering healthcare services and entering fiduciary relationships with prospective consumers is that a patient had no right to continue speaking after he repeatedly punched her in the mouth. It is akin to a murderer suing a victim because she didn't die when he repeatedly tried to kill her.

Goldberg Was *Not* Cyber Harassed

Goldberg *Is* the Cyber Bully

Everyone is granted the right to free expression, including the freedom of artistic creativity and the right to receive or impart information. Exercising these rights – without fear or unlawful interference – is central to living in an open and fair society. It underpins other human rights such as the right to freedom of thought, conscience, and religion – and allows them to flourish.

Goldberg was unwilling to contact his patient to resolve any pending issues or address questions and concerns. Instead, he deliberately and repeatedly suppressed posts by exploiting rules while collecting hundreds of flattering five-star reviews, some directly negating the alternate perspectives he suppressed. In litigation, he then attempted to bundle the posts together and falsely argued that he was cyber harassed to remove all criticism in one clean sweep. Goldberg's admitted acts are not protected by litigation

FILED DATE: 12/2/2024 5:17 PM 2019L005521

privilege. He merely used the legal system improperly to finish what he couldn't accomplish through deceptive and unfair acts. Goldberg appears to be in violation of the following FTC Regulation Rules on the Use of Consumer Reviews and Testimonials, codified under 16 C.F.R. Part 465.

§ 465.7 Review Suppression.

It is an unfair or deceptive act or practice and a violation of this Rule:

(a) for anyone to use an unjustified legal threat or a physical threat, intimidation, or false accusation in an attempt to prevent a consumer review or any portion thereof from being written or created or cause a consumer review or any portion thereof to be removed;

_____

Under Section 5 of the FTC Act, Goldberg's practices seem to be inconsistent with the Guides, codified at 16 C.F.R. Part 255, that are subject to enforcement include:

- Don't ask for reviews only from people you think will leave positive ones.
- Don't prevent or discourage people from submitting negative reviews.
- Procuring, suppressing, boosting, organizing, publishing, upvoting, downvoting, reporting, or editing consumer reviews in a way that distorts or misrepresents what consumers think of a business' products.
- **Section 255.1 Review Gating**
  A service provider engages in review gating, which involves asking past purchasers to provide feedback and then inviting only those who give positive feedback to post online reviews on one or more websites. The practice "may be unfair or deceptive if it results in the posted reviews being substantially more positive than if the marketer had not engaged in the practice."
- Disparate treatment of positive and negative reviews. Don't subject negative reviews to greater scrutiny.
- **Section 255.2**
  Abusing a third-party review platform's mechanism for reporting suspected fake reviews by routinely flagging negative reviews as fake without a reasonable basis.

_____

FILED DATE: 12/2/2024 5:17 PM 2019L005521

Goldberg also appears to violate various review sites' terms of service. Using Yelp and Google as an example, his violations, in pertinent part, are highlighted in yellow.

Yelp Business Terms of Service

Some of the terms of the service section for **business accounts** (https://terms.yelp.com/tos/en_us/20200101_en_us/#Additional-Terms-for%20Business-Accounts) include:

In order to access or use the Services, you agree that you will not use the Consumer site for business activities, including but not limited to flagging reviews or messaging people who have reviewed your Business. (Section 1(A)iii.)

You represent and warrant that you will not, and will not authorize or induce any other party to:

> offer incentives of any kind, such as discounts, freebies, refunds, gift cards, contest entries, offers, or deals in exchange for the posting of reviews of your Business, or to prevent or remove reviews, and you understand and acknowledge that Yelp, through its Consumer Alerts, may publicly notify consumers about such incentives and other attempts to obtain, prevent, or remove reviews.(Section 1(B)i.)
>
> solicit or ask reviews from your customers. (Section 1(B)ii.)
>
> write reviews or vote on Content (e.g. voting user reviews as useful, funny, or cool) for your Business or Business's competitors. (Section 1(Biii.)
>
> pay or induce anyone to post, refrain from posting, or remove reviews, or otherwise attempt to circumvent Yelp's Recommendation Software (defined below or fraud detection systems. (Section 1(B)iv.
>
> **Some of the Yelp's Content guidelines subject to removal:**
> **Conflicts of interest**: Your contributions to Yelp should be unbiased and objective. For example, you shouldn't write reviews of your own business or employer, your friends' or relatives' networking group. **Businesses should never ask customers to write reviews.**

Google Business Terms of Service

Some of the terms of service regarding deceptive content & behavior (https://support.google.com/local-guides/answer/7400114?hl=en&sjid=7874898058923667130-NA#) include:

Contributions to Google Maps should reflect a genuine experience at a place or business. **Fake engagement** is not allowed and will be removed. This includes:

> Discouraging or prohibiting negative reviews, or selectively soliciting positive reviews from customers."
>
> Content that has been posted from multiple accounts to manipulate a place's rating.

_____

FILED DATE: 12/2/2024 5:17 PM 2019L005521

2. ***Goldberg's Alleged Violations of Review Websites' Terms of Service***

The virtual vortex began on the review sites Yelp and Google.

Goldberg had **more than one** business page on Yelp and **more than one** business page on Google. One account profile was under his personal name and the other was opened under the name of his dental business. They included the following:

Yelp Business Pages

Goldberg, Robert DDS;
and
Advanced Care in Endodontics
(Exhibit)

Google Business Pages

Dr. Robert A. Goldberg, DDS;
and
Advanced Care in Endodontics
(Exhibit)

Reviews were posted on both Yelp and Google under Goldberg's business pages within each given site. Subsequently, Goldberg flagged the posts, and the site moderators removed them. Unlike businesses, consumers don't have a straight line to communicate with moderators and are left on their own accord to understand why. Since others were actively posting successfully under both of Goldberg's account profiles within each given site, the reason for repeatedly vanishing posts was baffling. Upon reposting, Goldberg flagged them again and they were removed again and yet again. The cycle continued over weeks and is reflected in the Empathiq spreadsheets. (Exhibit)

After much ado it was learned, but only too late, that Goldberg repeatedly flagged and site moderators removed the reviews because he claimed that *the posts* violated review sites' terms of service. In other words, the site guidelines discourage posting the review on more than one business page unless the consumer interacted with each business or location. Except there is a significant problem here. Goldberg only has **one** dental business operating out of **one** physical location. However, there were multiple profiles within each review site. It is an alleged violation of websites' terms of service.

- **Yelp (**https://www.yelp-support.com/article/How-can-I-report-duplicate-business-pages?l=en_US#:~:text=A%20business%20location%20should%20be,have%20a%20single%20business%20page)

  > "A business location should be listed **only once** on Yelp. If a business has multiple locations, each individual location should be listed separately (although there may be exceptions - for example, a food truck that appears in different parts of town on different days can have a single business page). If you notice that there are multiple pages on Yelp for the same business location, you can let us know by submitting a report."

FILED DATE: 12/2/2024 5:17 PM 2019L005521

- **Google (**https://support.google.com/business/answer/3038177?hl=en)

> "There should only be one profile per business, and this can also cause problems with how your information displays on Google Maps and Search."

The review posted was applicable to all of Goldberg's business pages within any given site and should not have been repeatedly removed. Goldberg may've created the two business profiles by mistake; one page may've already existed, and he created a second one accidently.; or he created two listings to gain better visibility since one was in his personal name and the other in his business name containing the keyword **"endodontics."** Pages could be added that a service provider has no control over or isn't even aware of. It isn't necessarily incumbent upon a business to correct the situation. But here, Goldberg's victim playing or feigning ignorance fails on all accounts. He is monitoring reviews, interacting with pages by flagging or hiding posts (improperly), and requesting takedowns. Goldberg is manipulating the information available to consumers.

The Following is KEY

- As Goldberg was repeatedly flagging and deceiving site moderators into removing unflattering posts for alleged violations resulting from duplicative accounts that were improperly maintained, he **knowingly allowed others to post flattering reviews under both accounts within any one given site.** He deceives consumers wishing to leave reviews since others were able to successfully write and post reviews, This, in addition to Goldberg hiding reviews on other sites like RateMDs and Vitals caused confusion, chaos, and reposts. In fact, Goldberg allowed others posting flattering reviews to do everything he alleged were one patient's violations – from posting (i.) across platforms; (ii.) on multiple business pages within each given site.; and (iii.) even on the same business page (and under different names). **(See VI.B. Unequal Treatment)**

- Goldberg's reputation management system, Empathiq (that he demands to be reimbursed for), enables him to quickly manage and appropriately respond to any unflattering feedback. **(See V.B.1.)** For Goldberg, reputation management is about surveillance, intimidation, and silencing. Instead of contacting Albert to resolve issues, he continued to allegedly abuse third party review site platform mechanisms for flagging reviews and exploited the same rule that confused and frustrated the consumer resulting in reposts. He then "twisted" the narrative to appear as a victim – just like Goldberg failed to clarify confusion surrounding a password a used to access an online portal as rumors circulated that his files were "illegally hacked."

- By at least **7/27/20,** Goldberg seemingly knew that his multiple business pages denoting the same physical location violated site' terms of service because they were consolidated to one business page within each given site. He claimed the pages.

Yelp Business Page

Goldberg, Robert DDS; and Advanced Care in Endodontics were consolidated to:

Robert A. Goldberg, DDS – Advanced Care in Endodontics (Exhibit)

FILED DATE: 12/2/2024 5:17 PM 2019L005521

Google Business Page

Dr. Robert A. Goldberg, DDS; and Advanced Care in Endodontics were consolidated to:

Advanced Care in Endodontics (Exhibit)

> However, Goldberg filed 3rd and 4th amended complaints maintaining that his patient set out to deceive site guidelines to post several fraudulent reviews. In February 2022, after a court stated posts were not defamatory, he argued that he was cyber harassed asserting that *"it's not ten bad opinions about a botched root canal, it's ten people saying that, and ten people have a lot more weight, Judge, than one."* Note that he never provides actual proof of ten bad opinions about a botched root canal (which was never stated) publicly visible at the same time on the same site nor under "ten" different names. He improperly flagged, hid, and removed posts that were reposted.

Dr. Anthony Reganato is Goldberg's colleague that he alleges was also "defamed" (despite having documentation in his possession supporting the consumer review). Reganato allegedly exploited the same websites' guideline. While repeatedly flagging and removing Alberti's criticism, he allowed others to post under his multiple account profiles within any one given site. However, he allows Elisa Rieger – a dental treatment coordinator for Dr. Reganato – to post reviews under his multiple business pages improperly maintained and they lack disclosure. (Exhibit). Nonetheless, Dr. Reganato has not burdened the judiciary, taxpayers, or a consumer with financial expenses over five years like Goldberg has done. Ms. Rieger also posted flattering reviews for Goldberg. (Exhibit)

Goldberg has continued to conceal these alleged practices to a court. In addition to allegedly violating websites' terms of service, Goldberg's practices appear to be in violation of **§ 465.7 Review Suppression**; inconsistent with **16 C.F.R. Part 255**; and seemingly prohibited specifically by **Section 255.1 and 255.2.**

3. The Virtual Vortex Continues: Goldberg Deceives Consumers By Hiding Reviews

Goldberg's reputation management tool, Empathiq, allows him to monitor and aggregate reviews from multiple online platforms in real-time. Goldberg used this, in combination with other reputation management functions available on consumer review site platforms, such RateMDs and Vitals, to quash unflattering posts by hiding them from public view.

The attached printout from Empathiq demonstrates how Goldberg was able to hide reviews on Vitals. (Exhibit) In another example, RateMDs states:

> "You can hide up to 3 ratings on your profile deemed to be suspicious." (Exhibit)
>
> "The Supreme Court of the United States has held that anonymity of speech is protected under the First Amendment of the Constitution." (McIntyre v Ohio) United States courts have consistently recognized that the right to speak anonymously extends to speech on the internet."

Reputation management tools make sense for physicians who find themselves ranked on rating sites with no ability to opt out or with no control over anonymous comments that are inappropriate. However, note that RateMDs writes, ***"deemed to be suspicious."*** For Goldberg, anything that criticizes him is

FILED DATE: 12/2/2024 5:17 PM 2019L005521

suspicious. In general, reputation management tools are ethical. It boils down to the choices and judgements of the people interacting with the technology that determine how they are used.

For Goldberg, technology is an instrument used in his manipulative and deceptive toolbox. Remember, this is a physician who issued a password leading a patient to believe that she could access an online portal containing information only to be accused of "illegally hacking files." Even if it was an "incidental error" and colossal miscommunication, Goldberg deliberately and knowingly leveraged his patients' private information to strike fear in and burden one patient. The harassment extended into litigation for over four years. It is a blatant and irresponsible misuse of technology all around. Similarly, Goldberg deliberately abused the review sites' "hiding" feature – but represented to a court that he was cyber harassed.

Here is a closer look into how Goldberg allegedly deceived a court. Attached is an excerpt from Goldberg's complaint that was printed on 5/13/19. It shows a few of Goldberg's RateMDs reviews, specifically those appearing on May 5th, 9th, 9th again, and 11th of 2019. (Exhibit) In the bottom right corner of each review, it is denoted as **"Submitted."** This means that he "flagged" each one – against site terms – for the moderators to review for possible removal claiming they are false. Note that the flattering five-star review posted on April 22, 2019, on that same printout, is denoted as **"flag"** in the bottom right corner. The review was not flagged. On May 11, 2019, another unflattering post appears.

The catch: There were never four unflattering reviews that appeared publicly at the same time as they appear on the attached printout. As a review was posted on May 5, which is not defamatory, Goldberg parked it. It was not publicly visible. An anonymous reviewer posted the May 9th review but reposted it again on May 9th. In other words, Goldberg immediately hid the first May 9th post that might've led to reposting it again. That fulfills Goldberg's three "hides." On May 11, 2019, another post appears. Except Goldberg can't hide it because he fulfilled hiding his three posts.

5/13/19 Printout: Note how all four posts (May 5th, 9th, 9th, and 11th) are visible and flagged. Except publicly, only the May 11th post was visible. (Exhibit)

5/29/19 Printout: Note how the only visible post among the four was the May 11, 2019 post. At this point, Goldberg has a problem. He must get rid all four posts. What happens next? You guessed it right. A May 28, 2019 post appears that Goldberg uses to accuse his patient of writing anti-Semitic hate speech. Note how every other post that he hid or wanted removed was flagged. However, the May 28, 2019 post is conveniently not flagged or hidden even though Goldberg claimed it incited "other anti-Semites" posing imminent danger to him. (Exhibit)

6/2/19 Printout: The only remaining review is the May 11, 2019 post. Tellingly, Goldberg has used this post to accuse his patient of "impersonating" an uncle or other patients even though it's an anonymous post, not defamatory, and he merely wants it gone – all while having hid and/or flagged every other post. (Exhibit)

ALARM, 7/2/19 Printout: There are NO unflattering posts.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

Goldberg allegedly repeated the deceptive acts on the review site Vitals. What could possibly be so suspicious or defamatory about a review that states:

"I'm unhappy and disappointed with my experience. I can't recommend this office."

Let's look at the trajectory of the review that appeared on Vitals on June 5, 2019. (Exhibit)

6/4/19 Printout: There are no one-star reviews.

6/5/19 Printout: A one-star review appears that states, *"I'm unhappy and disappointed with my experience. I can't recommend this office."* Within days it vanished.

6/15/19 Printout: When looking the provider up and queried under **"lowest rated review",** the review is not visible.

Note that a reviewer posted 3 out of 5 stars on January 25, 2016. It certainly wasn't Alberti. Someone is obviously not leaving any more information other than three stars which Goldberg can't hide.

6//21/19 Printout: The one-star review remains gone, even when searched for under the category **"lowest rated review."**

9/19/20 Printout: The one-star review remains gone.

Goldberg frustrated and confused consumers wishing to leave reviews into thinking that posts vanished into cyberspace by parking them. They weren't publicly visible. When posted again, Goldberg hid them again. In court, he presented all the posts on the site making it appear as though they were publicly visible at once and claimed that he was cyber harassed.

Despite blaming one patient, Goldberg never contacted her to resolve matters but knowingly continued his game – just as he continued to flag reviews posted to his multiple business pages improperly maintained on Yelp and Google. Goldberg knows that he hid posts. In fact, he demands that posts not even visible be removed because they are reflected in his overall star ratings featured at the top of certain review sites.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

B. Goldberg Set Out to Target, Silence, and Punish His Victim

1. Reputation Management: Goldberg's Poor Choices behind Useful Technology

Empathiq allows Goldberg to monitor and aggregate reviews from multiple online platforms in real-time. Records from Empathiq confirm that notifications were sent directly to Goldberg's email alerting him to whenever a new review was posted.

Reviews were posted by the patient expressing frustration over receiving an incorrect scan upon each request. Presuming that Goldberg was previously unaware of the situation, Empathiq provided him with allegedly **90 reminders**. Rather than Goldberg contacting Alberti, he "**monitored**" the posts and made efforts to **"remove**" **and hide** what he presumes is **"fraudulent"** with no good faith effort to produce it or address "questions and concerns." Alberti could've updated the statement, which is how reputation management and the tools that enable it are intended to be used. Instead of contacting his patient, Goldberg spent weeks improperly flagging and suppressing posts, allegedly 90 times, rather than fulfill a simple legal requirement. While Goldberg could have resolved any lingering issues, he ***chos***e to retaliate. Yet, Goldberg demands to be reimbursed for a tool that he blatantly misuses. Alberti pivoted to getting the correct scan from the office of Dr. Chemello, then Illinois State Dental Board Member and oral surgeon Goldberg referred to for treatment, with an equally disastrous result.

When Goldberg finally contacted Alberti, it wasn't to provide the correct x-ray or *"address questions and concerns."* His attorney made threats, alleged false criminal conduct, issued ultimatums, and demanded that posts be removed while insisting on a public apology. **The catch:** the correct scan wasn't produced. Goldberg maintains that his "contemporaneous records" indicate that the scan was provided. As the IDFPR Complaint (II. CBCT Timeline) shows, his "contemporaneous records" were incorrect. But according to Goldberg, he nor his office ever make mistakes.

Alberti was forced to contact the "state dental board people" for the correct scan which they directed Goldberg to produce.

- **Up to 6/5/19,** the day the state dental investigator spoke with Goldberg directing him to produce the correct scan, Goldberg had the chance to correct the situation – **allegedly 90 times**. Instead, he ***chose*** to retaliate.

- **On 6/5/19**, Goldberg's office sent an email to Alberti purporting that they were contacting her to provide the scan **at the request of Dr. Chemello's office**. Except, the state investigator confirmed, in writing, to Alberti that he had already spoken with Goldberg shortly prior to Alberti receiving the email from the office. The state investigator directed Goldberg to produce the correct scan. (Exhibit)

  Goldberg's email is intended to show that Goldberg, specifically learning from Dr. Chemello's office, reached out to provide the scan to Alberti thus rendering the statement in the post invalid. The only thing it demonstrates is that Goldberg not only removed Alberti's posts, but he also knew of the situation from Dr. Chemello's office. He sued Alberti and waiting to produce the correct scan **until directed by the state.**

Goldberg filed and has maintained a defamation complaint for four years knowing that Alberti's statement was true. Instead of removing the post, as Goldberg demands, it can be updated to reflect that the Goldberg even attempted to make it ***appear*** as though he was contacting the patient on his own accord rather than being directed by the state that licenses him to produce the correct scan. Yet, "All that Glitters

FILED DATE: 12/2/2024 5:17 PM 2019L005521

is not Gold…berg" is perceived to be "anti-Semitic hate speech." Moreover, the importance of closure in a patient's decision-making process escapes the purview of this "compassionate" dentist described as someone "you can count on to take care of you." In the meantime, Goldberg continues to legally harass a patient to coerce her to remove the alleged "fraudulent" one or two posts among the hundreds of flattering reviews that describe him as an ethical leader who puts the well-being of patients first. Goldberg's practices appear to be in direct violation of the following.

§ 465.7 Review Suppression.

It is an unfair or deceptive act or practice and a violation of this Rule:

(a) for anyone to use an unjustified legal threat or a physical threat, intimidation, or false accusation in an attempt to prevent a consumer review or any portion thereof from being written or created or cause a consumer review or any portion thereof to be removed; …

Yelp

Some of the terms of the service section for **business accounts** (https://terms.yelp.com/tos/en_us/20200101_en_us/#Additional-Terms-for%20Business-Accounts) include:

In order to access or use the Services, you agree that you will not use the Consumer site for business activities, including but not limited to flagging reviews or messaging people who have reviewed your Business. (Section 1(A)iii.)

You represent and warrant that you will not, and will not authorize or induce any other party to:

offer incentives of any kind, such as discounts, freebies, refunds, gift cards, contest entries, offers, or deals in exchange for the posting of reviews of your Business, or to prevent or remove reviews, and you understand and acknowledge that Yelp, through its Consumer Alerts, may publicly notify consumers about such incentives and other attempts to obtain, prevent, or remove reviews.(Section 1(B)i.)

pay or induce anyone to post, refrain from posting, or remove reviews, or otherwise attempt to circumvent Yelp's Recommendation Software (defined below or fraud detection systems. (Section 1(B)iv.)

2. Goldberg Misrepresents Illinois Department of Professional and Financial Regulation to Remove Consumer Reviews

Goldberg demands: "to be reimbursed for (a) attorney fees and costs expended for preparation of take down letters to Google and Yelp; and (b) the cost of a monitoring service to monitor Defendant's defamatory and **fraudulent posts** so that he could make efforts to **remove** them, some of which were **successful** but which resulted in Defendant posting yet additional defamatory or fraudulent reviews with new accounts, and fake emails which she created for the purpose in violation of the review sites' terms of service." (5AC, Page 44, Paragraph 132)

In 2020, Goldberg issued a demand letter to Yelp, and unknown others, insisting that the patient's post referencing the incorrect x-ray be removed because it is a defamatory statement. Goldberg knows that the statement is not defamatory. Even when litigation was in process to determine the question of defamation, he expects to be compensated for legal fees to prepare take down letters. More shocking is

FILED DATE: 12/2/2024 5:17 PM 2019L005521

that Goldberg allegedly deceived Yelp, and unknown others, into removing reviews by misrepresenting correspondence received from Illinois Department of Financial Professional Regulation – the very agency that directed Goldberg to produce the correct x-ray. The state provided status of the patient's complaint directly to Goldberg. He forwarded it to counsel to produce takedown letters. His counsel attached the state's correspondence to the take-down letter sent to Yelp. (Exhibit) He writes:

> "The review's claim that Dr. Goldberg did not provide Mary Alberti with her 3D x-ray and violated the Hippocratic oath is false as set forth in the lawsuit filed by Dr. Goldberg and proven by Dr. Goldberg's contemporaneous records. Mary Alberti filed a baseless complaint against Dr. Goldberg for these false claims with the Illinois Department of Financial and Profession Regulation which was closed because it had no basis. Dr. Goldberg supplied the Department with records proving that he had repeatedly provided Mary Alberti with all her x-rays including the 3D x-ray. Attached hereto as Exhibits A and B are a letter from the Department of Financial and Professional Regulation closing Mary Alberti's false complaint against Dr. Goldberg for failing to provide her with the 3D-xray, and the Second Amended Complaint in the lawsuit filed by Dr. Goldberg."

His counsel goes on to further demand:

> "Accordingly, Dr. Goldberg requests that Yelp remove the defamatory and fraudulent review that is the subject of this letter from Dr. Goldberg's Yelp page. Dr. Goldberg also requests that Yelp remove a review by Mary Alberti regarding Dr. Goldberg dated May 17, 2019, that falsely asserts that the review that is the subject of this letter is true when in fact the claim in the original review that Dr. Goldberg did not provide the 3d x-ray and violated the Hippocratic oath is demonstrably false and was rejected by the Illinois Department of Financial and Professional Regulation."

Goldberg was keenly aware that the state directed him to produce the correct x-ray. The Department of Financial and Professional Regulation ***did not*** reject the complaint, nor does the letter from the state investigator indicate that it was closed because it was ***false or baseless***. In fact, the state investigator writes:

> "….common reasons for cases to be closed include insufficient evidence to prove a violation, that the allegations even if true are not a violation, that the allegations are unfounded, an expiration of the statute of limitations, or the Department imposed an action less than a public discipline. (Attachment A)"

Goldberg misrepresents the state regulatory agency that licenses him to deceive Yelp into removing online consumer reviews.

Goldberg ups the ante in his legal complaint by alleging that Alberti "filed false ethical complaints" that he claims were summarily rejected because they were "fabricated, false, and intended to harm Goldberg." It becomes even more inconceivable when Goldberg finally concedes, after five years, to breaching patient privacy. This is juxtaposed to claiming that the patient's statement referring to his conduct as "twisted" is defamatory. Here, again, Goldberg appears to allegedly be in violation of the following.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

§ 465.7 Review Suppression.

It is an unfair or deceptive act or practice and a violation of this Rule:

(a) for anyone to use an unjustified legal threat or a physical threat, intimidation, or false accusation in an attempt to prevent a consumer review or any portion thereof from being written or created or cause a consumer review or any portion thereof to be removed; …

Yelp

Some of the terms of the service section for **business accounts** (https://terms.yelp.com/tos/en_us/20200101_en_us/#Additional-Terms-for%20Business-Accounts) include:

In order to access or use the Services, you agree that you will not use the Consumer site for business activities, including but not limited to flagging reviews or messaging people who have reviewed your Business. (Section 1(A)iii.)

You represent and warrant that you will not, and will not authorize or induce any other party to:

offer incentives of any kind, such as discounts, freebies, refunds, gift cards, contest entries, offers, or deals in exchange for the posting of reviews of your Business, or to prevent or remove reviews, and you understand and acknowledge that Yelp, through its Consumer Alerts, may publicly notify consumers about such incentives and other attempts to obtain, prevent, or remove reviews.(Section 1(B)i.)

pay or induce anyone to post, refrain from posting, or remove reviews, or otherwise attempt to circumvent Yelp's Recommendation Software (defined below or fraud detection systems. (Section 1(B)iv.)

FILED DATE: 12/2/2024 5:17 PM 2019L005521

VI. Goldberg's Alleged Deceptive Use of Consumer Reviews: Alleged Review Gating and Unequal Treatment

A. Alleged Review Gating

Review gating involves asking past purchasers that will knowingly provide flattering feedback to post reviews while suppressing unsatisfactory experiences to demonstrate a positive online presence. The practice "may be unfair or deceptive if it results in the posted reviews being substantially more positive than if the marketer had not engaged in the practice." (Section 255.1)

Gating reviews simply means deceiving the customers. As Goldberg was improperly suppressing reviews, he asked colleagues, dental employees at referring offices, friends, and patients who may've used his service in the past to post flattering comments across platforms. Most concerning is that he removed speech that promotes patient empowerment and competition while deceptive reviews and those that position him as being superior to other dental specialists remain online. The activity is captured and can be viewed on the Empathiq spreadsheets during the timeframe consumers attempted to post reviews Goldberg didn't appreciate and will be provided upon receipt in discovery.

By 2021, the ***only*** unflattering review remaining online – out of allegedly 90 posts that Goldberg suppressed – and that details a truthful post-treatment experience appears on Yelp under "reviews that are not currently recommended." It is a vital part of the customer journey, but Goldberg removed it across all other multiple platforms. On Yelp, it's not even visible with a quick glance over the reviews. A consumer is required to take extra steps to read it if they are even aware it exists. Yet, Goldberg continues efforts to legally quash it. In the meantime, the sites are dominated with the message that Goldberg's guidance is the one to depend upon because he is superior to other specialists; will clearly communicate conditions; and puts the well-being of patients first.

Aside from the unflattering review on Yelp, Goldberg's other reviews are all five-star flattering posts except for two unflattering one-star reviews on Google. Those individuals relay that they never proceeded to the point of even consulting with Goldberg. He removed and is blocking the reposting of a post-treatment experience that is a vital part of the customer journey not otherwise shared in a review by anyone else. It is unknown how many others have been silenced.

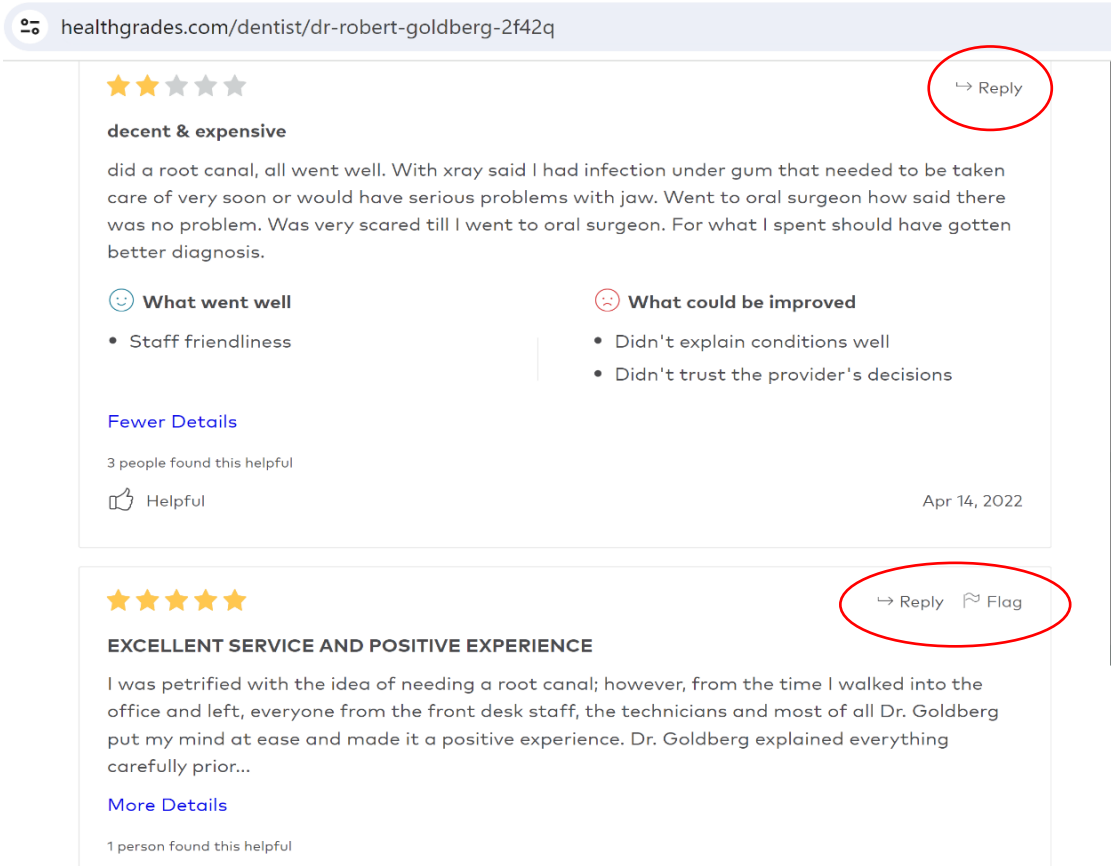
Tellingly, in April 2022, a brave anonymous reviewer made an appearance on the site Healthgrades to share a post-treatment experience like the ones expressed in posts Goldberg repeatedly suppressed in 2019. Keep in mind, Goldberg is in a court suing a patient for alleged defamation for sharing essentially the same assessment. On April 14, 2022, the poster writes:

> "did a root canal, all went well. With xray said I had infection under gum that needed to be taken care of very soon or would have serious problems with jaw. Went to oral surgeon [how] said there was no problem. Was very scared till I went to oral surgeon. For what I spent should have gotten better diagnosis." (Exhibit)

Although the poster's issues are not entirely clear, what is apparent is that he is disappointed with Goldberg's ability to communicate conditions and lacks trust in his advisement. The poster, who relays that he was "very scared till I went to oral surgeon," might have avoided unnecessary worry had Goldberg not deprived him and other consumers of truthful, negative information that a patient repeatedly tried to share in 2019 prior to this post. In doing so, Goldberg harmed him and continues to deceive and harm others.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

From the time Goldberg manically suppressed posts in 2019, allegedly 90 times, up to another brave consumer posting a similar experience in April 2022, Goldberg continues to flag any criticism that might portray him as anything but infallible. As shown in the upper right-hand corner of the post, it has already been flagged whereas the review below it still has the flag. Luckily, Healthgrades did not remove it. However, the sole post doesn't begin to fully represent the scope of consumers' experiences juxtaposed to hundreds of flattering posts.


healthgrades.com/dentist/dr-robert-goldberg-2f42q
Reply
decent & expensive
did a root canal, all went well. With xray said I had infection under gum that needed to be taken care of very soon or would have serious problems with jaw. Went to oral surgeon how said there was no problem. Was very scared till I went to oral surgeon. For what I spent should have gotten better diagnosis.
What went well
Staff friendliness
What could be improved
Didn't explain conditions well
Didn't trust the provider's decisions
Fewer Details
3 people found this helpful
Helpful
Apr 14, 2022
Reply
Flag
EXCELLENT SERVICE AND POSITIVE EXPERIENCE
I was petrified with the idea of needing a root canal; however, from the time I walked into the office and left, everyone from the front desk staff, the technicians and most of all Dr. Goldberg put my mind at ease and made it a positive experience. Dr. Goldberg explained everything carefully prior...
More Details
1 person found this helpful

Goldberg's alleged deceptive use of consumer reviews highlights the reality of just how vulnerable patients are in the dentist/patient relationship. In his review, dental specialist Kristin Moore relays that he refers patients *only* to Goldberg who "successfully treated them. Two years later, they report no pain or problems with their teeth." How does Dr. Moore know that they don't have a problem? Things can and often do progress slowly exceeding beyond two years. Moreover, he is speaking solely by what patients relay, which we have no way of verifying. No one is suggesting that Goldberg doesn't do quality work that we know he does. The point here is that Goldberg has no right manipulating a narrative that he wants disseminated while suppressing truthful information. The consumer sites aren't intended for the dental community to drown out the realities that exist. Goldberg isn't entitled to dictate the message but is doing just that.

Per the FTC, review gating is illegal. Whether a customer has a good or bad experience, negative reviews are equally important. The Consumer Review Fairness Act was passed to stop businesses from preventing customers from leaving honest reviews. However, review gating was a grey area. Although it was unethical in nature, it was not straightforwardly illegal. Then the FTC made some changes in the framework and released guidelines with the intention to take strict action against businesses that were

FILED DATE: 12/2/2024 5:17 PM 2019L005521

manipulating reviews. Here, Goldberg's alleged practices are heightened when he manically suppressed negative feedback by alleging violations to remove posts that weren't even violations while allowing others posting flattering comments to do them.

In its Terms of Service, both Yelp and Google prohibit discouraging or disallowing negative reviews and soliciting positive ones. Yelp's recommendation software is designed in such a manner that it highlights reviews that are genuine. Further, it identifies reviews that have been requested and doesn't recommend those. On Yelp, approximately 39 of Goldberg's reviews defaulted to the page "currently not recommended" and included Alberti's post. On Google, approximately 25-40 flattering posts were deleted when his business pages were consolidated into one page.

Following is an overview of Goldberg's online ratings taken from a few popular sites. It reveals the impact of alleged review gating. Consequently, consumers are seemingly deceived. Yet, Goldberg is still using the legal system to remove truthful information and continues to flag criticism.

Yelp

(yelp.com/biz/robert-a-goldberg-dds-advanced-care-in-endodontics-buffalo-grove)

- By at least 7/2020, Goldberg's multiple business pages were consolidated into one page.

- **"Recommended Reviews"**
  - **23** posts are flattering five-star reviews.
  - There are **no** four-, three-, two-, or one-star reviews.

- **"Reviews That Are Not Currently Recommended"**
  - **39** reviews defaulted to the page.
    - Among the group, **38** posts are flattering five-star reviews. Approximately 22 of those reviewers posted only one review on Yelp, that being for Goldberg.
    - There are **no** four-, three-, or two-star reviews.
    - **1** review is an unflattering one-star review that Goldberg has legally harassed the patient (and Yelp) into removing for over four years resulting in crippling legal fees.

Google

(google.com/search?q=advanced+care+in+endodontics)

- By at least 7/2020, Goldberg's multiple business pages were consolidated into one page.

- **300+** posts are flattering five-star reviews.
  - There are **no** four-, three-, or two-star reviews.
  - Approximately 25-40 of those flattering reviews posted during the period Alberti repeatedly attempted to post her review without Goldberg's interference appear to have been deleted.
  - Out of the 300+ posts noted, only **2** are unflattering one-star reviews. Those include posts from reviewer Yuliya Shulman and Marion Talcsich. Neither reviewer made it far into the customer journey.
  - There are no reviews depicting the experience of a patient post-treatment failure.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

- Goldberg repeatedly removed Alberti's legitimate experience. He also removed any that speech that encourages patients to seek alternative opinions. Reviews that promote Goldberg as being superior to other endodontists, such as those written by dental specialist Kristen Moore, remain visible.

Healthgrades
(healthgrades.com/dentist/dr-robert-goldberg)

- Out of **196** ratings, **97%** are flattering five-star ratings.
- There are approximately **72** written reviews.
  - **71** are flattering written five-star reviews.
  - There are **no written** four-, two-, or one-star reviews.
  - Only **1** is a written three-star review. It is a patient describing a post-treatment experience like those Goldberg suppressed.
- Goldberg suppressed all other unflattering posts, despite allowing others to do what he claims were violations to remove speech. (*Ig. Donna Handelman's duplicate posts)*

RateMDs
(ratemds.com/doctor-ratings/3522839/Dr-Robert-Goldberg-Buffalo+Grove-IL.html)

- **9** flattering five-star reviews are posted.
- There are no four-, three-, two-, or one-star posts.
- Goldberg hid at least three unflattering reviews and had others removed.

Vitals
(vitals.com/dentists/Dr_Robert_A_Goldberg_4)

- A total of **11** reviews are noted. However, only **9** of those 11 are visible.
- **9** visible posts are flattering five-star reviews.
  Out of the 9 visible, there are no four-, three-, two-, or one-star posts.
- Goldberg hid at least three unflattering reviews and had others removed.

Goldberg's alleged practices are inconsistent with the Guides, codified at **16 C.F.R. Part 255**, and subject to enforcement under **Section 5 of the FTC Act**. They include the following.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

- Don't ask for reviews only from people you think will leave positive ones.

- Don't prevent or discourage people from submitting negative reviews.

- Procuring, suppressing, boosting, organizing, publishing, upvoting, downvoting, reporting, or editing consumer reviews in a way that distorts or misrepresents what consumers think of a business' products.

- **Section 255.1 Review Gating**
  A service provider engages in review gating, which involves asking past purchasers to provide feedback and then inviting only those who give positive feedback to post online reviews on one or more websites. The practice "may be unfair or deceptive if it results in the posted reviews being substantially more positive than if the marketer had not engaged in the practice."

- Treat positive and negative reviews equally. Don't subject negative reviews to greater scrutiny.

_____

B. Unequal Treatment

As Goldberg engaged in alleged review gating, he subjected negatives reviews to greater scrutiny to justify removing them. The double standard caused chaos and confusion, much of which led to reposts that he used to claim he was cyber harassed. At the end of the day, Goldberg achieved depriving consumers of truthful information that has already harmed Alberti and allegedly countless others including Ms. Talcsich and the anonymous poster appearing on Healthgrades.

1. Reviews Posted under Multiple Business Pages Within One Given Site

As Goldberg repeatedly flagged and deceived site moderators into removing reviews for being posted under multiple business pages within any one given site (that were improperly maintained), he allowed others posting flattering reviews to do it.* A few examples include the following. (Exhibit)

- Mercedes Shouldice on Google
- Stephanie Currie on Google
- KM on Yelp **
- Marcus M. on Yelp
- Jennifer O./Jenna J. on Yelp

* Goldberg's colleague, Dr. Reganato, exploited the same rule to block Alberti post. (Exhibit)

** "KM" violated Yelp's sites terms of service, but he reposted his review. Goldberg didn't contact Yelp demanding a take down. He didn't flag anyone else either. Goldberg isn't fair. He abused Yelp's flagging mechanism to repeatedly confuse Alberti. No one is contacting Yelp insisting that his business page be removed as he has repeatedly done with Alberti's post.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

2. More than One Review Posted on The Same Business Page Within One Given Site (Some Under Different Profile Names) (Exhibit)

As Goldberg objects to unflattering reviews posted on the same business page, he allows others to do it. A few examples include the following. (Exhibit)

- Rachel Rabinowitz on **Google** (same page, two reviews, double endorsement); (in 2023 the reviewer's profile name changed to Rachel Nissenberg)
- Jim Diamond CPA on **Google** (same page; two reviews where the second is not an update; two different accounts, double endorsement)
- Kelly Lee/lee lee on **Google** (to confirm if same person: same page; two reviews; two different accounts and names; double endorsement)
- J McDole/julie goldberg on **Google** (same page; two reviews; two different accounts and names, double endorsement)
- Margie R. /M R. on **Yelp** (same page; two reviews; two different accounts and names, double endorsement)
- Donna Handelman on **Healthgrades** (same page, two reviews within a day apart; double endorsement, one claiming to be an update but there is no purpose to the update. It solely serves as a double endorsement. The patient comes from a referring dentist with a good number of patients who post endorsements for Goldberg.)

3. Reviews Posted Across Platforms (Some Using Different Names and Posting Varying Reviews; Posting Under an Alias; and Posting Anonymously)

As Goldberg objects to unflattering reviews posted across platforms, he allegedly collected only flattering reviews from past customers who did the same. A few examples include the following. (Exhibit)

- **Wallis Sloat** posts on Google, RateMDs, Vitals, Healthgrades, and Facebook
- Stephanie Currie posts reviews on Google, Yelp, and Facebook. (On Google, the reviewer posted under both of Goldberg's business pages. Goldberg did not flag or remove it.)
- **Elena Fulton** posts a review on Google. She is noted as a "Local Guide" with 22 reviews. She also takes the time to post the same review on Yelp, which is her *only* review on Yelp and Healthgrades.
- **George J.** appears on Yelp, Google, and unknown other sites. He writes a detailed review on Yelp, which his ***only*** review on the site. Under the account profile **alias "george george,"** he posts a different review on Google. At the time he posted the Google review, it is his only review on Google. Several years later another extremely short review appears on Google. To date, he has a total of two reviews on Google.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

- **KM** (dental Specialist and colleague) appears on Yelp and presents as **Kristen Moore** on Google and other unknown sites.
- **Jenna W.** appears on Yelp and presents as **JB Wojcieshowki** on Google and other unknown sites. (Jenna W.'s Yelp friend is Yelper "Mary K.")
- **Jenny J.** and Jennifer O. appear on Yelp and present as **Jennifer Orellano** on Google
- Goldberg doesn't take issue with all the **anonymous posters** across sites like Healthgrades, Vitals, and RateMDs; nor Unknown Known on Google.

4. Conflicts of Interest

During the time that Alberti and others repeatedly attempted to post reviews without Goldberg's interference, he allegedly asked dental industry employees and colleagues in his referral network to post flattering reviews. As Yelp's recommendation software shows, they didn't coincidentally and simultaneously flood consumer review sites without prompting. Aside from alleged review gating, his acts are in direct violation of Yelp and Google's terms of service. Even though many reviewers disclose sharing a professional relationship with Goldberg and might use him for their own root canals, he invites the scrutiny at the point he silenced a real consumer's experience and alternate perspectives that promote competition and challenge a dental system for which they represent.

- **Yelp**

  Conflicts of interest:
  Your contributions to Yelp should be unbiased and objective. For example, you shouldn't write reviews of your own business or employer, your friends' or relatives' business, your peers or competitors in your industry, or businesses in your networking group. **Businesses should never ask customers to write reviews.**

- **Google**
  (https://support.google.com/local-guides/answer/7400114?hl=en&sjid=7874898058923667130-NA#) include:

  Misrepresentation
  Misleading information can impact the quality of information on Google Maps. For this reason, we don't allow individuals to use Google Maps to mislead or deceive others, or make **misrepresentations**. This includes:

  - Distorting or omitting facts to scam other users.
  - Distorting or omitting information that could have an undue impact on user decision making.
  - Content that is based on a conflict of interest.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

The following represents a few examples of reviewers who publicly indicate that they are dental professionals and refer/share patients with Goldberg (google.com/search?q=advanced+care+in+endodontics). Undoubtedly, going to the dentist that dentists trust is the one that I, too, would personally use. However, many state that Goldberg is the ***only*** provider whom they refer patients to. Goldberg retaliated against me for exercising autonomy and seeking alternate opinions. Goldberg removes reviews that encourage patient autonomy and choice while promoting competition while allowing reviews that violate site terms.

- Dennis Mondo, DDS
- Kate Laux (allegedly Kate Limardi, DDS)
  Doesn't disclose she is a referring dentist. Writes the review on behalf of her mother, who was treated with a root canal.
- Michael Simon, DDS
- Eva Fortsas, DDS
- Jennifer Mullarky, DDS
- Navidi Kia, DDS
- Ken Johnson, DDS – provides a five-star endorsement.
- Kristin Moore, DDS (on Google and Yelp)
- Cleidy Arboleda, DDS
- Sadia Ahmed, DDS
- Irene Beyer, DDS
- Asher Gelman, DDS
- Tom Ujiiye, DDS
- Gary Greenberg states, "I work in the dental industry."
- Pam Wasserberg states, "Our dental office in Lincolnshire refers all our patients to Dr. Goldbberg…"
- David Yudkowsky, DDS
- Thomas Kwiatt, DDS

5. Content Related

a. J McDole/ julie goldberg (on Google) and Julie G. (on Yelp)

Goldberg spent four years harassing his patient over alleged "anti-Semitic" posts. The patient was impersonated and publicly disclaimed authorship on Yelp the day she learned of them and prompted their removal. (Exhibit). The impersonator played off the key word "SCAM" in the consumer's authentic review. Further, the impersonator attempted to create a strawman argument to support an interpretation of her key post that doesn't exist. In his complaint, Goldberg falsely alleges that Alberti's post states that "Goldberg recommends unnecessary procedures to collect fees he otherwise wouldn't be entitled to because he is a "greedy Jew." The argument couldn't be further from Alberti's post. Goldberg also falsely accused Alberti of "impersonating" patients. In the meantime, his spouse authors reviews that "impersonate' average patients and lack material disclosure. She also authors reviews alleging that certain businesses "milk you for money" and are a "scam." Goldberg claims that his spouse was "attacked" for

FILED DATE: 12/2/2024 5:17 PM 2019L005521

authoring a death threat. A threat note was only introduced in litigation, and he fabricates that his spouse was blamed – but he advances it into every motion. Imagine if every business sued a consumer for $4M.

On Google, J Mc Dole (who "impersonates an average patient with no relation to Goldberg and doesn't disclose that she is a dentist) writes,

> "From the moment you walk in you feel as if you are in a spa-and you forget about your need for a root canal. Everything in this office is updated and you know you are getting the best care possible. Dr. Goldberg's philosophy of being thorough and honest is apparent. We took some x-rays and scans and after he evaluated them, he was honest enough to let me know that I didn't even need a root canal. He could have just as easily taken my money and done the root canal, but instead spent over an hour letting me know why I didn't need treatment. I'm so happy I decided to visit Dr. Goldberg." (Exhibit)

On 10/29/2017, Julie G. writes a review on Yelp, expressing her dissatisfaction with ABC Plumbing, Sewer, Heating, Cooling and Electric. She writes,

> "….despite my having been a part of the club for years-what a disappointment and scam. Customers who stick with your company for years on end should feel like they've got someone they can depend on and trust. This is NOT that company. Stay away." (Exhibit)

Dr. Julie Goldberg also submits another helpful review of Grand Roaton Caribbean Resort on March 25, 2017, via her mobile device. (The review was submitted in Goldberg's case when he retained linguistic expert Robert Leonard to conjecture who could've authored the post.) She writes,

> "…The staff are so incredibly transparent in their efforts to milk you for money and their attitude stinks. Nothing ordered in the restaurant ever came in a timely fashion and often times, the order was incomplete and/or wrong…" (Exhibit)

Note: *"scam," "Stay Away,"* and *"milk you for money."* The alleged defamatory posts that he claims Alberti writes include a disclaimer stating that "I was not suggesting, nor should it be assumed, that anyone else would have the same experience" whereas Dr. Julie Goldberg's post advises consumers to "Stay Away." Moreover, Dr. Julie Goldberg's posts state, *"This is NOT that company."* Note: **"NOT"** which is in all uppercase letters. These represent the components that Goldberg's linguistic expert attributes to the author of an alleged anti-Semitic post. Using Goldberg's logic, there is smoking gun evidence that Dr. Julie Goldberg posted the alleged anti-Semitic review. She also writes reviews that "impersonate patients." While Goldberg claims in discovery that he writes no reviews for businesses or colleagues, discovery provided demonstrates that he does. They also lack material disclosure. Moreover, he admits that he engages in "shenanigans."

b. Yuliya Shulman on Google

Around June 2018, Google reviewer Yuliya Shulman shares her unfortunate experience visiting Goldberg's office. She writes:

> "My Mother has a complicated medical history, and a strict protocol she needs to follow for every medical or dental procedure. Every time we see a new doctor, it is a big deal, and I, as her caregiver, need to make sure the doctor knows what they are dealing with. During this first talk we usually establish her medical treatment protocol together.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

> Today we came to Dr Goldberg's office after filling out online forms at 9:29 for our 9:30 appointment (should I mention I received a 9:25 reminder call asking for my ETA?). We were asked to wait, and so we did. In online forms I indicated that medical history is complex and I'd like to speak to the doctor privately. We came to him through a very trusted referral, but without ever meeting him, and such request has never been a problem in any other office. After about 20 minutes the dental assistant came up and said she has to take some x-rays before the doctor can talk to us. I was okay with that. But what they wanted to do before seeing the doctor, is take a 200$ CT scan. And they were not telling that to Mom, the only reason I knew what it was, because I asked for prices during my first call, at which point I was told that CT scan was optional, and only be taken if doctor decides it is needed.
>
> Mom's self pay. I've never even seen this doctor, and don't know whether he is able or willing to handle a patient with my Mom's medical history. So I politely repeated my request to speak to the doctor before we do anything else. I was told no. I asked why. At this point front desk person started yelling at me. I asked why she was yelling. She said I was being non-compliant with their rules, and she was not yelling because there are cameras all over recording her not yelling. And we should probably leave since we were not following their rules.
>
> Mom was not involved in conversation, and I pointed out that they should allow me to speak with her, since she is the patient and the decision maker. This was the point when it became ugly. They were yelling about her not speaking English, and being late, and not following the rules. I asked why they are escalating instead of giving me space to talk to the patient. I was still polite at this point. I asked my Mom what she thinks. Mom said "let's go". And so we left.
>
> Now, my thoughts. I still have not seen Dr. Goldberg, but his staff went to consult him at multiple points, so it was entirely his decision to make us go through expensive diagnostic procedure without giving any reassurances about our medical situation. My Mother's current inability to speak English is a speech impairment due to medical condition, and there was no reason to bring it up in a rant at the end of the visit. The doctor had every right to refuse us service, or even call us late for arriving 1 minute before official appointment time, but I feel that recording this interaction may be useful to other people who have complex medical histories and wonder whether this doctor is the right choice. Also, if you are self-pay, beware: office procedure apparently requires a CT scan to be taken prior to the first encounter with the doctor."

As Goldberg sues his patient for being "a delusional, mentally ill, and contemptuous anti-Semite" that he alleges called him a "greedy Jew," he doesn't sue Google reviewer Yuliya Shulman who does imply that he is greedy. Ms. Shulman writes,

> "….so it was entirely his decision to make us go through expensive diagnostic procedure without giving any reassurances about our medical situation."

She also implies that his office staff discriminated against her mother, bullied her and her mother, and points out the use of hidden cameras – all which Goldberg sues Alberti for allegedly stating, but not Ms. Shulman, who seems to have a Jewish surname. Moreover, it appears that several patients have had a similar experience with his staff informing them of "hidden cameras." While simply posting a notice would suffice for that which seems to be an acceptable practice, Goldberg sued one patient over it.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

c. The False Accusations and Harassment Involving Daniel and Diane Alberti

The following is in response to false allegations of "impersonation" in Goldberg's complaint.

1. There are **no** reviews appearing alongside the names of Alberti's relatives Daniel **J.** Alberti or Diane **E. Weich** Alberti.

2. **The "Danny K" Anonymous Review**

In every complaint, Goldberg **repeatedly** misrepresents the "Danny K." one-star review. Goldberg writes:

> "The Danny K. one-star review posted by Defendant on Google (Exhibit H) impersonates Defendant's Uncle Daniel Alberti and makes false statements about Daniel Alberti's interactions with Dr. Goldberg in violation of Google's policy that prohibits posts that distort the truth, contain deceptive content and that make false representations in a review. The review states:
>
> > 10 year dentist sent me here. Rude assistant wanted $200 scan. Said fine but wanted to see doc..."

How could the review impersonate Daniel J. Alberti? It is significant to note the following:

- **"Danny K."** is not the name of "Daniel **J.** Alberti"
- Mr. Alberti was a long-time patient of Goldberg's uncle for well over 15+ years and he supposedly referred Mr. Alberti to his nephew. This is hardly a "10 year dentist" as the post states.
- The Exhibit H that Goldberg attaches to allege impersonation is merely an email notification sent to Goldberg or someone else (whose name is not identified) from what appears to be a review site or Empathiq alerting him that he received a new review by someone with the profile name **"Danny K."**
  - It **does not** state that the review is on Google, as Goldberg claims. Goldberg never provides proof that it is on Google. (Alberti can't find it anywhere.)
  - Goldberg **does not** provide proof that the name "Danny K" appears anywhere publicly next to **any** post. (Alberti can't find it anywhere.)
  - The review does appear in Goldberg's complaint. It appeared on May 11, 2019 on RateMDS, **not Google**. On RateMDs, there is **NO** name alongside it. It is an ANONYMOUS review. There is nothing that would indicate that it is an "impersonation."
  - The anonymous review appears to be visible after Goldberg "hid" the other reviews. However, Goldberg represents to a court that he was cyber harassed.

Rather than contacting Daniel **J.** Alberti to learn if he authored reviews, Goldberg launched a persecution on elders and vulnerable women. He issued threats and ultimatums to a now **90-year-old**

FILED DATE: 12/2/2024 5:17 PM 2019L005521

man and his **60-year-old** wife for posts that don't even appear in their names for which they disclaimed authorship. His counsel writes, *"The three of you have engaged in a conspiracy to defame Dr. Goldberg and destroy his good name and reputation."* and *"Failure to remove all the defamatory posts will result in additional punitive damages in the suit Dr. Goldberg will be bringing against you."*

There it is.

Goldberg's explosive anger, paranoia, rush to judgment, false accusations, and vindictive behavior that threw Alberti into a state of crippling fear and shock.

Daniel **J.** Alberti and his wife are **shocked into submission**. Daniel and Diane Alberti expressed significant fear to Alberti of being sued. Daniel Alberti states, "You can't blame me for doing what I needed to not get sued." For the first time, Daniel and Diane Alberti caught a glimpse of Goldberg's behavior that Alberti managed behind closed doors making it hard for others to believe and that prompted her to reach for help. But Goldberg then pivots to claiming Alberti "impersonated an aunt and uncle" which is even more baffling.

Note that the date on the posts **appear after Alberti** attempted to repeatedly post her reviews that Goldberg unjustly flagged, hid, and deceived site moderators into removing – frustrating a consumer wishing to leave a review. Was Goldberg solely targeting Alberti? Hypothetically, even if Daniel and Diane Alberti did author reviews, it clearly wouldn't have been a conspiracy when Goldberg was already targeting Alberti for unknown reasons. Aside from that, the posts attached to the legal threat letter and declarations that Diane and Daniel Alberti signed under fear don't mention anything about incompetent dentistry, as Goldberg alleges. In fact, the posts that Goldberg suppressed 90 times state that he is:

" a talented endodontist with a brilliant career"
"a reputable choice for performing a root canal"
"can perform a painless root canal."
"seems very skilled"

Goldberg makes several false accusations including that (i.) the posts appeared in the names of Daniel and Diane Alberti.; (ii.) the posts accused Goldberg of incompetent dentistry which they do not.; (iii.) they were authored by Daniel and Diane Alberti.; and (iv.) Alberti filed a lawsuit against Goldberg using the names of Daniel and Diane Alberti. Given Goldberg's retaliation, the anonymity of the author is protected by the first amendment. Daniel and Diane Alberti are afraid of getting sued which is exactly the chilling effect of a SLAPP. In fact, Daniel Alberti even writes in his declaration, *"…He assured me that given the voicemail message I had left him that me and my wife would not be named in any lawsuit involving my niece by Dr. Goldberg."* How exactly can Daniel Alberti be assured of anything? But it does demonstrate Goldberg's aggression. No one will admit to authoring a review or holding any particular personal opinion that would offend Goldberg given his retaliation. Goldberg then pivots to using Daniel and Diane Alberti against his patient.

3. The Commission prohibits review suppression using unjustified legal and physical threat.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

Goldberg chose to accept Daniel and Diane Alberti's statement that they didn't author reviews. In doing so, he admits that he used an unjustified legal threat, intimidation, and false accusations to prevent or remove criticism. Goldberg is allegedly in violation of FTC rule:

§ 465.7 Review Suppression.

It is an unfair or deceptive act or practice and a violation of this Rule:

(a.) for anyone to use an unjustified legal threat or a physical threat, intimidation, or false accusation in an attempt to prevent a consumer review or any portion thereof from being written or created or cause a consumer review or any portion thereof to be removed; …

Goldberg's persecution is the reason why anonymity is a core First Amendment value. He unjustly removed speech the court stated was not defamatory. He then falsely argued that he was cyber harassed while admitting he removed posts. He then takes issue with anonymity calling it "impersonation" despite launching a persecution to deter the free exchange of ideas and information.

The Supreme Court has repeatedly affirmed that a right to anonymity lies in the First Amendment. As the Court explained in McIntyre v. Ohio Elections Commission. The decision in favor of anonymity may be motivated by fear of economic or official retaliation, by concern about social ostracism, or merely by a desire to preserve as much of one's privacy as possible. Whatever the motivation may be, the interest in having anonymous works enter the marketplace of ideas unquestionably outweighs any public interest in requiring disclosure as a condition of entry. Accordingly, an author's decision to remain anonymous, like other decisions concerning omissions or additions to the content of a publication, **is an aspect of the freedom of speech protected by the First Amendment.**

- Anonymity is a necessary component in people's ability to form ideas outside the watchful eye of their neighbors, as well as the government's. "The recognition that anonymity shelters constitutionally-protected decisions about speech, belief, and political and intellectual association—decisions that otherwise might be chilled by unpopularity or simple difference—is part of our constitutional tradition," writes Prof. Julie Cohen. "But the benefits of informational autonomy . . . extend to a much wider range of human activity and choice. We do not experiment only with beliefs and associations, but also with every other conceivable type of taste and behavior that expresses and defines self."

- Anonymity enables the dissemination of ideas, participation in the democratic process, membership in political associations, the practice of religious beliefs, and the expression of one's identity without fear of government interference or public retaliation. The protection of anonymity is all the more important online, where surveillance threatens individuals' ability to communicate without revealing their identities.

- Anonymity is a shield from the **tyranny of the majority**. It thus exemplifies the purpose behind the Bill of Rights and of the First Amendment in particular: **to protect unpopular individuals from retaliation . . . at the hands of an intolerant society.**

4. **"DHA" or "DiA"**

Goldberg doesn't appreciate a review posted under what appears to be an alias "DHA or DiA" by someone **who clearly wants to remain anonymous.** Goldberg unjustly flags, hides, exploits rules, causes chaos/confusion, and retaliates against those who express a view he doesn't appreciate. It makes sense

FILED DATE: 12/2/2024 5:17 PM 2019L005521

that the person would choose anonymity **"to protect unpopular individuals from retaliation…at the hands of an intolerant society."** The decision in favor of anonymity is clearly in fear of economic or official retaliation or by concern about social ostracism." A closer look at the review shows why the post is especially protected by the first amendment. It is an alternate perspective that contradicts the views of other posters and Goldberg doesn't appreciate it. Goldberg retaliates to quash it while allowing others to post an opposing opinion.

Reviewer DiA

The 5AC, Paragraph 36 states, "The DiA review posted by Defendant on Google **impersonates Defendant's Aunt Diane Alberti……"** The review states:

> **Di A.**
> Since I have had several root canals by Dr. Goldberg, I was prompted to share my opinion. I am new to writing online reviews but thought it was important to share my experience since someone close to me had a heinous experience at the office. It's even more shocking when we are the ones personally feeling duped, violated and subjected to deplorable treatment. For myself, the actual procedure was painless. However, I've always felt that I was not provided with the information that I needed to make a decision in my best interest. I found myself just going along with what was recommended because we aren't dentists...we don't know. After taking the time to educate myself, I realize that the decisions I made would be very different today if I did it over again.....shame on me for not being more proactive about my own health in the first place.
>
> Unfortunately, I can't recommend taking a leap of faith with Dr. Goldberg. When it comes to our mouths, I think we become 5 years old again and still want to believe in the tooth fairy. Unless you're in excruciating pain, do your homework and due diligence before making any decisions. Then decide who will do the work and what will be done. It may take several opinions but is well worth it in the end.

- Just like the "Danny K" review, Diane E. Wiech Alberti is not the name of DHA nor does DiA necessarily imply that it is Diane E. Wiech Alberti. However, Goldberg jumps to conclusions and threatens them. When they disclaim authorship, Goldberg pivots to claiming it is an "impersonation." Note how Goldberg takes the word of a man, Daniel Alberti – who does improperly use Alberti's name in another matter – but does not take Alberti's word that she didn't author the alleged anti-Semitic post (even though Alberti flagged them herself and publicly disclaimed and expressed disapproval for them.) Following Goldberg's logic, patient ***Mary K***, who provides a testimonial on his public facing business website, is Goldberg impersonating Alberti. If not, he failed for four years to inform the court that there were others who could be the alleged anti-Semitic post author that impersonated Alberti and he knew she publicly disclaimed.

- After Goldberg thoroughly accomplishes shocking Daniel and Diane Alberti into compliance, he immediately jumps to accuse Alberti of "impersonating" patients. But keep in mind, Goldberg doesn't take issue with J. McDole or Kate Laux "impersonating" patients." Nor does he take issue with others posting anonymously or using an alias during the same timeframe he is suppressing these posts.

- First, Goldberg falsely presumes that DiA could **only** be the aunt. Next, he gets the aunt to say she didn't post it after threatening her. For Goldberg, this is undisputed proof that Alberti defamed him because she is impersonating another patient that he presumes to be the aunt. The court stated that the post wasn't defamatory. Due to the retaliation, the anonymity of the

FILED DATE: 12/2/2024 5:17 PM 2019L005521

post and especially its content is protected by the first amendment. However, let's hypothetically say that Alberti, **FOR ARGUMENT PURPOSES ONLY**, posted the review. After taking a closer look at DiA's alleged post, it wouldn't be an impersonation if written by Alberti, which is what he states makes it false. Goldberg assumes it's the aunt or Alberti impersonating her as the one who is speaking. If you replace the speaker as being Alberti, what you have is a review that could've reflected Alberti's experience (if she wrote the review). For example:

- DiA is an alias that could stand for "Disappointed Alberti"; or "Double Incident Alberti" specially given that Alberti returned twice to Goldberg and both times he failed to properly communicate. DHA isn't close to Diane E. Wiech Alberti. It could be "Disappointed, Hurt, Astonished" or "Double Happening Alberti."

  Keep in mind, Goldberg was targeting Alberti. He was unjustly removing and hiding speech for unknown reasons but claims he was cyber harassed. As he was doing this, he allowed others to do the same things he flagged Alberti for. He allows "impersonations," posting under an alias, posting anonymously, posting under both account profiles within any given site, and even posting on the SAME account profile twice. He even allows others to write what he claims are Alberti's defamatory statements.

  Hypothetically, why would Alberti repost under her own name if her posts are targeted? Who else is someone going to be impersonate other than a patient. Alberti doesn't need to impersonate anyone or fabricate anything. Moreover, it would make perfect sense to post an alternate review to try and isolate why her posts were being removed (if Alberti was the author).

- Someone close to Alberti did express a negative experience. As the hypothetical anonymous author, Alberti doesn't say exactly what it pertained to. Other reviewers speak on behalf of others all the time. For example, dental specialist Kristin Moore speaks on behalf of her pleased patients that she refers Goldberg to. Dr. Moore also states that the patients report no pain or problems with their teeth. Great. How does Dr. Moore know that there still isn't a problem going on? She is going by what her patients report. As a dental specialist, she knows that things can progress slowly.

  Could Alberti have felt "duped, violated, and subjected to deplorable treatment?" There are a lot of miscommunications going on in this office that one patient who was worrying about how to handle her tooth had to contend with. Yes. Did Alberti feel as though she didn't get the information needed to make an informed decision. Absolutely, even given her repeated attempts to clarify things. Alberti even extended unwavering trust and faith in Goldberg over five other dental professionals because he is the endodontic specialist at the top of his field doing the work no one else can do. When Alberti was repeatedly left confused, she visited another endodontic specialist - also at the top of the field – and learned of information that impacted decision making that she otherwise never received from Goldberg.

  If, hypothetically, the post is authored by Alberti, it isn't an impersonation – which is what he states makes it false. It's not in Diane Alberti's name. The public doesn't know who DiA is as much as they don't know "KM," "george

FILED DATE: 12/2/2024 5:17 PM 2019L005521

george," or "Unknown Known." Who cares if Daniel or Diane Alberti file a declaration or testify, after being threatened, that they were provided with all the information needed to make an informed decision. It doesn't invalidate Alberti or any other person's experience. If anything, the reviewer is impersonating Alberti. But what Diane Alberti certainly can't say is that getting root canals is pleasant. Even though Goldberg and "state-of-the-art" technology make it as painless and seamless as possible, root canals are dreaded. The anxiety alone during a procedure is *not* fun, especially for someone during a time where there are a lot of dental issues. To have to go through it several times makes it even harder.

5. Note the following:

"*Whatever the motivation may be, the interest in having anonymous works enter the marketplace of ideas unquestionably outweighs any public interest in requiring disclosure as a condition of entry. Accordingly, an author's decision to remain anonymous, like other decisions concerning omissions or additions to the content of a publication,* ***is an aspect of the freedom of speech protected by the First Amendment."***

Again, note "*unquestionably outweighs any public interest in requiring disclosure…"* Here, reviewer DiA is exercising free speech that is valuable insight. He relays to the audience that they should advocate for their own health and not accept the recommendation of someone just because they are the expert – even if that expert is Goldberg. Apparently, DiA had an experience where Goldberg demonstrated that his advice was not the right solution for him. For whatever reason, he didn't believe that he received enough information and couldn't rely upon the recommendation.

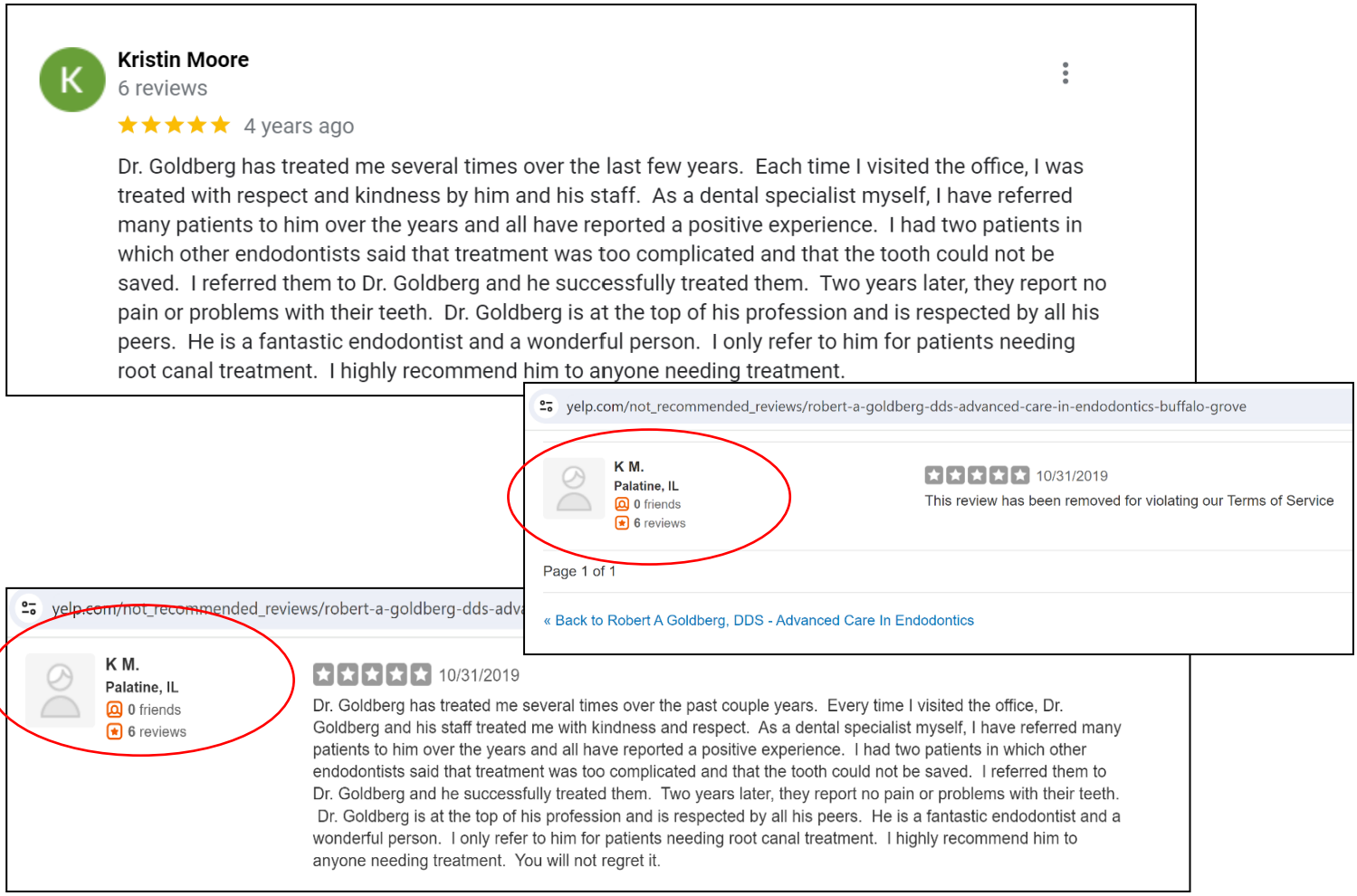
Obviously, DiA had an undefined negative experience and felt duped and violated. Whether Goldberg agrees or not, it is a feeling that DiA is entitled to have. The fact that DiA felt duped and violated is not the message that the post is conveying. The key takeaway that I interpret is that patients need to remember to take full responsibility for their health and not jump into something "just because" an expert advises it.

It is interesting that DiA doesn't even imply that the audience should stay away from Goldberg. DiA merely states, "…do your homework…." and "…Then decide who will do the work and what will be done. It may take several opinions but is well worth it in the end." The review is an important message that is about patient empowerment and promotes competition.

It is disturbing that Goldberg unabashedly admits that he repeatedly removed insightful and valid advice. To do so, he violated law yet remarkably seems put out that someone would dare to advocate for patient education, autonomy, and choice. At the same time, Goldberg collects reviews conveying that he is above the level of other endodontists, he removes DiA's speech. Alberti is not going to speak for DiA but can attest to the positive experience she had with an alternate endodontist. Even though Alberti had every right, the glowing review of that endodontist was intentionally not posted on the same sites where reviews for Goldberg were published. In the meantime, he disseminates messages through various consumer reviews and endorsers conveying that he is superior to fellow endodontic colleagues. A few examples include dental specialist Kristin Moore. Visiting the review again here, Dr. Moore writes:

FILED DATE: 12/2/2024 5:17 PM 2019L005521

"Dr. Goldberg has treated me several times over the past couple of years. Every time I visited the office, Dr. Goldberg and his staff treated me with kindness and respect. As a dental specialist myself, I have referred many patients to him over the years and all have reported a positive experience. I had two patients in which other endodontists said that treatment was too complicated and that the tooth couldn't not be saved. I referred them to Dr. Goldberg and he successfully treated them. Two years later, they report no pain or problems with their teeth. Dr. Goldberg is at the top of his profession and is respected by all his peers. He is a fantastic endodontist and a wonderful person. I only refer to him for patients needing root canal treatment. I highly recommend him to anyone needing treatment. You will not regret it." (Exhibit)


Kristin Moore
6 reviews
4 years ago
Dr. Goldberg has treated me several times over the last few years. Each time I visited the office, I was treated with respect and kindness by him and his staff. As a dental specialist myself, I have referred many patients to him over the years and all have reported a positive experience. I had two patients in which other endodontists said that treatment was too complicated and that the tooth could not be saved. I referred them to Dr. Goldberg and he successfully treated them. Two years later, they report no pain or problems with their teeth. Dr. Goldberg is at the top of his profession and is respected by all his peers. He is a fantastic endodontist and a wonderful person. I only refer to him for patients needing root canal treatment. I highly recommend him to anyone needing treatment.
yelp.com/not_recommended_reviews/robert-a-goldberg-dds-advanced-care-in-endodontics-buffalo-grove
K M.
Palatine, IL
0 friends
6 reviews
10/31/2019
This review has been removed for violating our Terms of Service
Page 1 of 1
« Back to Robert A Goldberg, DDS - Advanced Care In Endodontics
K M.
Palatine, IL
0 friends
6 reviews
10/31/2019
Dr. Goldberg has treated me several times over the past couple years. Every time I visited the office, Dr. Goldberg and his staff treated me with kindness and respect. As a dental specialist myself, I have referred many patients to him over the years and all have reported a positive experience. I had two patients in which other endodontists said that treatment was too complicated and that the tooth could not be saved. I referred them to Dr. Goldberg and he successfully treated them. Two years later, they report no pain or problems with their teeth. Dr. Goldberg is at the top of his profession and is respected by all his peers. He is a fantastic endodontist and a wonderful person. I only refer to him for patients needing root canal treatment. I highly recommend him to anyone needing treatment. You will not regret it.

Dr. Moore posts across platforms using different names making it appear as though she is different people. Alberti flagged the posts on Yelp because she published the same review under both of Goldberg's account profiles improperly maintained. While Goldberg repeatedly flagged and removed Alberti's review, he didn't flag "KM's" review. Alberti had to flag it and Yelp removed the post. However, KM reposted it under *one* of Goldberg's account profiles just as Alberti did when she ultimately learned the problem. Goldberg didn't contact Yelp or Google insisting that they remove KM's post because KM violated Terms of Service nor is Yelp taking Goldberg's account profile down for abusing the platform's flagging mechanism to target only Alberti's posts. But Goldberg keeps angling and maneuvering to get Alberti's post taken down. The only thing he doesn't seem to do is self-reflect.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

Note that Dr. Moore writes

> "…every time I visited the office, Dr. Goldberg and his staff treated me with kindness and respect…"

Really? How else would a dental specialist referring business to Goldberg expect to be treated? ***Without*** kindness or respect? Lucky for Dr. Moore, she wasn't told by Goldberg that she isn't allowed to question a specialist, nor did he relay to her patients that they should be "careful" of her as he did with Dr. Krubeck, the general dentist that I consulted. He also accused Dr. Thomas Jackson of being behind a "scam" note, and Dr. Sergio Rubinstein of charging patient fees that were "usurious."

Dr. Moore lends her professional credibility to relay:

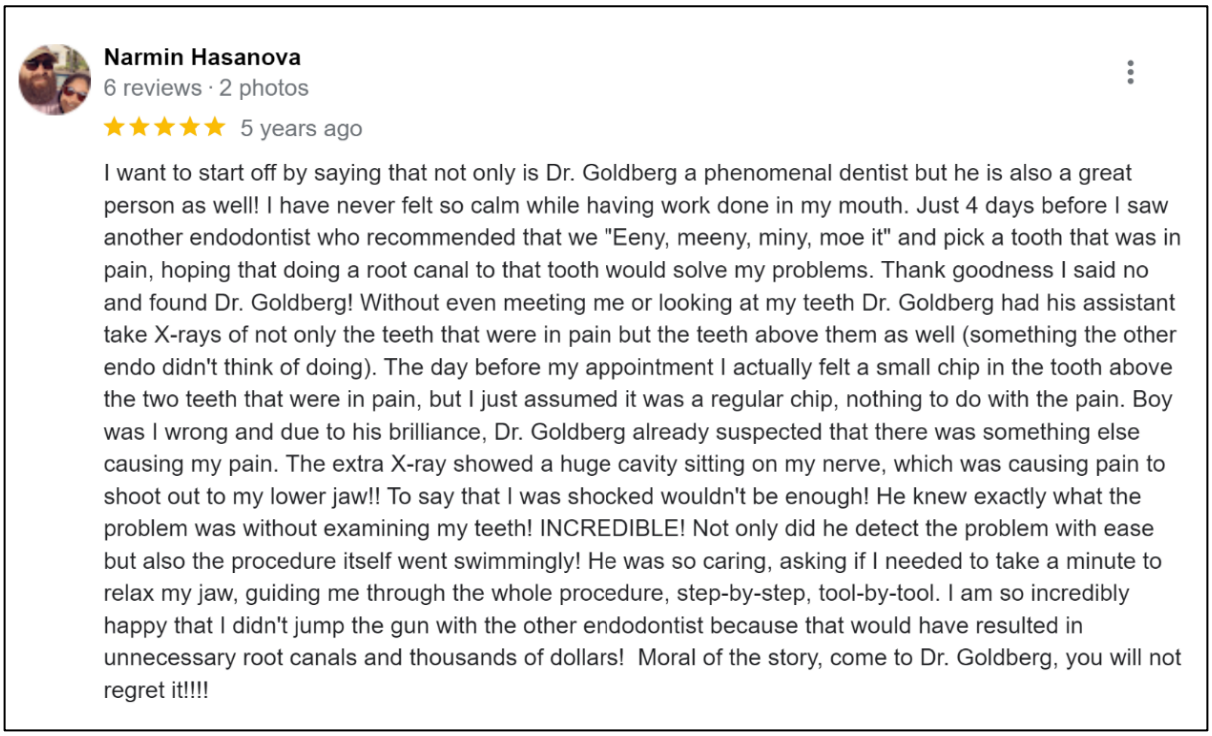
> "…I had two patients in which other endodontists said that treatment was too complicated, and the tooth could not be saved. I referred them to Dr. Goldberg and he successfully treated them."

Dr. Moore does appear to agree with reviewer DiA that patients should get other opinions and not merely accept the recommendation of one expert. However, as KM endorses Goldberg, she undermines all "other endodontists." As a layperson, I won't ever feel comfortable going to another endodontist again wondering if their recommendation to extract a tooth is because they don't have the skill to save it. If they recommend a root canal, I will always wonder if they are taking something on that could be too difficult for them. Might some endodontists focus on some procedures over others? Dr. Moore puts no context around what "complex" means at the expense of the specialists. As a sidenote, for all the complex work that Goldberg does, he didn't bother to tell me why he referred an apicoectomy retreatment out to another surgeon. When I asked Goldberg if he would do it, he said that he didn't perform apicoectomies. Nonetheless, saving a tooth might not always be the right answer for many. There are a lot of factors that could go into making the decision. DiA relays that Goldberg should not be the "end all be all" even if he is the one who is ultimately chosen to do the work. Conversely, Dr. Moore relays that Goldberg's expertise is where the search should end.

Dr. Moore writes that "…Two years later, they report no pain or problems with their teeth…." How does Dr. Moore know that there isn't a problem? Pain isn't always present, and things can progress slowly. Moreover, she is speaking on behalf of patients that consumers can't verify it. She puts statements out there that are as vague as the ones Goldberg gives. Dr. Moore concludes her review by informing consumers that Goldberg is respected by **"all his peers."** Note ***"all"*** of his peers. In other words, Dr. Moore knows for a fact that ***"all"*** of Goldberg's peers respect him. Who are the peers of someone who is the only dental professional doing the complex that he does? If I was an endodontic specialist, I wouldn't appreciate a peer skewing his online ratings to appear at the top of search engines while undermining "other endodontists" in the process. While Dr. Moore is a supportive colleague and it's great that they work well together, Goldberg disseminates this information while suppressing advice which encourages patients to seek solutions from others as well. This might seem overscrupulous but is the standard for which Goldberg is evaluating negative posts for removal.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

Another Golberg superfan, Narmin Hasanova, shares the following post on Google.



Narmin Hasanova
6 reviews · 2 photos
★★★★★ 5 years ago

I want to start off by saying that not only is Dr. Goldberg a phenomenal dentist but he is also a great person as well! I have never felt so calm while having work done in my mouth. Just 4 days before I saw another endodontist who recommended that we "Eeny, meeny, miny, moe it" and pick a tooth that was in pain, hoping that doing a root canal to that tooth would solve my problems. Thank goodness I said no and found Dr. Goldberg! Without even meeting me or looking at my teeth Dr. Goldberg had his assistant take X-rays of not only the teeth that were in pain but the teeth above them as well (something the other endo didn't think of doing). The day before my appointment I actually felt a small chip in the tooth above the two teeth that were in pain, but I just assumed it was a regular chip, nothing to do with the pain. Boy was I wrong and due to his brilliance, Dr. Goldberg already suspected that there was something else causing my pain. The extra X-ray showed a huge cavity sitting on my nerve, which was causing pain to shoot out to my lower jaw!! To say that I was shocked wouldn't be enough! He knew exactly what the problem was without examining my teeth! INCREDIBLE! Not only did he detect the problem with ease but also the procedure itself went swimmingly! He was so caring, asking if I needed to take a minute to relax my jaw, guiding me through the whole procedure, step-by-step, tool-by-tool. I am so incredibly happy that I didn't jump the gun with the other endodontist because that would have resulted in unnecessary root canals and thousands of dollars! Moral of the story, come to Dr. Goldberg, you will not regret it!!!!

According to Narmin, another endodontist recommended that they "…eeny, meeny, miny, moe, it…" and "pick a tooth that was in pain." *Really?* Narmin also tells the public that the other specialist "didn't even think" of taking x-rays of her other teeth. *Really?* It's a good thing that she found Goldberg whose brilliance, according to Narmin, exceeds her own.

The moral of Narmin's story is "come to Dr. Goldberg, you will not regret it!!!!" The moral of my story is that Goldberg, like his patients, is only human too. This will connect him more to consumers than any manipulated online reputation. However, Goldberg, who is described as "not arrogant," gets to dictate who is allowed the right to free speech. At the point that Joe Diamond CPA writes, not once but twice, that Goldberg is "The most talented, intellectual, compassionate physician and endodontist, the best of the best.", just about every review amongst the 300+ loses its credibility. We'll wait to learn from discovery if Mr. Joe Diamond CPA was "Corked" when his posts were duplicated.

During the period that Goldberg suppressed allegedly 90 posts, he solicited the review of patient George J. on Yelp who also goes by the name "george george" on Google. Goldberg doesn't take issue with the alias and different names across platforms appearing as different people. George J. demonstrates the decision-making process of a patient that someone like reviewer DiA and Alberti urge others to rethink. But Goldberg takes extreme measures to quash both while allowing George J.'s review. In the meantime, George J. doesn't necessarily represent the best example of how someone should make dental healthcare decisions. But this why they call it the first amendment. On 4/24/19, George J. writes:

> "Dr. Goldberg is extremely talented endodontist. The very pleasant staff, high tech equipment and lovely clean office make every visit enjoyable. Everyone here is always very welcoming and friendly.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

I needed some very complicated dental work done. A little detail... three teeth had root canals performed in the past by another dentist, but there was an infection under each tooth. With the amount of bone lost due to the infection I was looking at most likely an extraction, bone graft/sinus surgery and implants. This is what most doctors would recommend, as attempting to save these teeth by redoing the root canals wouldn't guarantee it all healing and the bone to regrow. I trust my dentist and he told me that Dr. Goldberg is probably the only one he knew that could do this work.

During my first visit I had a 3D scan and regular x-rays done to investigate. The 3D scan showed root canals that where not filled, something that the regular 2D x-rays didn't show. Dr. Goldberg explained to me that there was a risk of not having the bone regrow. Even after he attempted redoing the root canals and filling the omitted roots, I might need the implants in the end.

Last week I had my six-month checkup on two of those teeth and it looks like the bone is healing faster than he even expected :)

Today have just finished work on the 3rd tooth and it all went very well. He ended up using the GentleWave procedure which worked great.

Dr. Goldberg is excellent endodontist. I will always recommend him to anyone.

Not sure why there are any negative reviews? Probably just mad they didn't get a free toothbrush HAHAHA.

Thank you!"

Cute sense of humor, but if it was only as simple as getting a free toothbrush.

Remember:

"…The recognition that anonymity shelters constitutionally-protected decisions about speech, belief, and political and intellectual association—decisions that otherwise might be chilled by unpopularity or simple difference…"

Note that George J. writes:

> "…With the amount of bone lost due to the infection I was looking at most likely an extraction, bone graft/sinus surgery and implants. This is what most doctors would recommend, as attempting to save these teeth by redoing the root canals wouldn't guarantee it all healing and the bone to regrow. I trust my dentist and he told me that Dr. Goldberg is probably the only one he knew that could do this work…"

First, who is George J.'s dentist? While Goldberg is likely very accomplished and obviously highly skilled, the referral base of George J's dentist seems to be rather limited. Moreover, how does George J. know that "this is what ***most doctors*** would recommend?" In other words, George J. has been to most doctors, and this is what they recommended to him. But lucky for George J., his trusted dentist knows of only Dr. Goldberg who could do the work.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

Next, Mr. George J. proceeds to let everyone know the difference between what the "regular 2D x-rays" versus the "3D scan" will show. Funnily, this is why it was important for me to receive the correct 4/25/17 3D scan that I requested. I didn't need the "pleasant, welcoming, and friendly" staff to send me in a "pleasant" and "friendly" manner the "regular 2D x-rays" instead of the 3D scan requested. Nor did I appreciate them sending me the pretreatment scan upon each request for the 4/25/17 3D scan.

George J. proceeds to relay that:

> "…Dr. Goldberg explained to me that there was a risk of not having the bone regrow. Even after he attempted redoing the root canals and filling the omitted roots, I might need the implants in the end…"

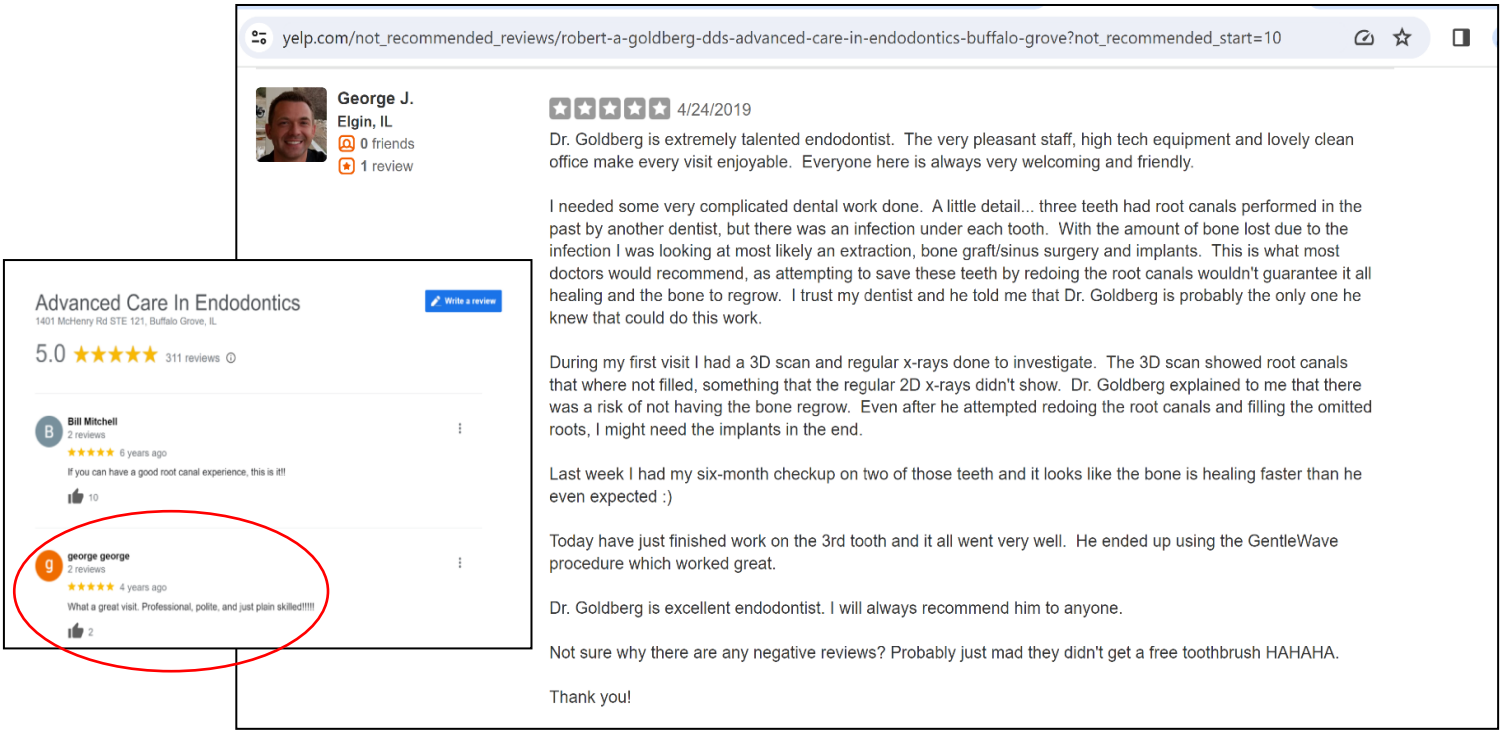
What? Ok. We understand that all procedures have risks and there are no guarantees. But what exactly was the conversation between George J. and Goldberg. While putting a whole lot of detail into his review, George J. eliminates what makes Goldberg believe that it will work or not. While I suspect that the poster got clarification, he is conveying the message to just take a leap of faith knowing the risk is on the patient but doesn't state what it is other than he trusts. Personally, if a specialist told me that I could invest in three teeth using the "GentleWave" (which is not covered by insurance, to my knowledge), only to reinvest thousands of dollars again if it doesn't work, I'd want more information and possibly other opinions. But Goldberg is the only one known to do this work and George J. trusts him and his dentist. I hope that George J. got a free toothbrush.

Goldberg informed me that an apicoectomy procedure had an 80% chance of being successful, but that I had to remember "there was that 20% chance it wouldn't work." He relayed that, as a result, I couldn't be upset knowing this information in the event it didn't take. That 20% is 100% for a patient. And that 20% was absolutely going to be me. But I would've signed on the dotted line without really understanding what was involved. While Goldberg is very skilled, the ownness is on the patient to know what they are agreeing to. George J. may've likely understood what he was getting into, but it doesn't come across in his detailed review. The message is to trust your dentist and the superior endodontist – better than all the rest – all while plugging "GentleWave." Undoubtedly, George J. can personally make the assessment that it "worked great."

Consumers should thank George J. for taking the time to post a detailed review that is his ***only*** review to counter Goldberg's ***only*** **negative** review on Yelp. Goldberg manipulates the dissemination of speech that doesn't represent the only or wisest consumer buying profile. He is taking extreme measures to eliminate the perspective of those that promote patient empowerment that oddly seems to threaten him.

Should George J.'s tooth not heal, and he finds himself having to reinvest in an extraction, bone graft/sinus surgery and implants (which is also not the only option), I hope that George J. will remember the experience of the only negative poster that he can't imagine would exist on Yelp. It just might save him a lot of headaches. As for Goldberg, he might be wise to stop disparaging his patient to other patients and colleagues.

FILED DATE: 12/2/2024 5:17 PM 2019L005521


yelp.com/not_recommended_reviews/robert-a-goldberg-dds-advanced-care-in-endodontics-buffalo-grove?not_recommended_start=10
George J.
Elgin, IL
0 friends
1 review
4/24/2019
Dr. Goldberg is extremely talented endodontist. The very pleasant staff, high tech equipment and lovely clean office make every visit enjoyable. Everyone here is always very welcoming and friendly.
I needed some very complicated dental work done. A little detail... three teeth had root canals performed in the past by another dentist, but there was an infection under each tooth. With the amount of bone lost due to the infection I was looking at most likely an extraction, bone graft/sinus surgery and implants. This is what most doctors would recommend, as attempting to save these teeth by redoing the root canals wouldn't guarantee it all healing and the bone to regrow. I trust my dentist and he told me that Dr. Goldberg is probably the only one he knew that could do this work.
During my first visit I had a 3D scan and regular x-rays done to investigate. The 3D scan showed root canals that where not filled, something that the regular 2D x-rays didn't show. Dr. Goldberg explained to me that there was a risk of not having the bone regrow. Even after he attempted redoing the root canals and filling the omitted roots, I might need the implants in the end.
Last week I had my six-month checkup on two of those teeth and it looks like the bone is healing faster than he even expected :)
Today have just finished work on the 3rd tooth and it all went very well. He ended up using the GentleWave procedure which worked great.
Dr. Goldberg is excellent endodontist. I will always recommend him to anyone.
Not sure why there are any negative reviews? Probably just mad they didn't get a free toothbrush HAHAHA.
Thank you!
Advanced Care In Endodontics
1401 McHenry Rd STE 121, Buffalo Grove, IL
Write a review
5.0 311 reviews
Bill Mitchell
2 reviews
6 years ago
If you can have a good root canal experience, this is it!!
10
george george
2 reviews
4 years ago
What a great visit. Professional, polite, and just plain skilled!!!!!
2

As Goldberg is in a court demanding the removal of alleged defamatory posts "filled with anti-Semitic slurs," superfan Elena Fulton publishes a review on Yelp, Google, and Healthgrades. (Exhibit) On Yelp, she writes,

> "Dr. Goldberg is an absolutely incredible endodontist.
>
> A few years ago I was chewing something and suddenly I felt pain, and then it was gone. I thought it was nothing and then a few days later it happened again.
>
> I went to three dentists and each and every one said there was nothing wrong with my tooth and that it was just sensitive and needed to be shortened. Shortening it made it even worse.
>
> Finally a great dentist identified it as a cracked tooth. I tried doing a filling and a crown and it suddenly got even worse. Long story short I was a little apprehensive to see any more dentists but knew I needed to see a specialist.
>
> That's when I read the reviews and saw that Dr. Goldberg was the highest rated endodontist in the entire area.
>
> When I arrived at his office I immediately realized I had made a very good decision going to him. He was amazing. He had technology that made the injections almost completely painless and the procedure was very comfortable.
>
> Not only that but Dr. Goldberg recommended a two prong approach to treatment so that I was much more likely to be successful in complicated case like mine. It would have been much easier and financially beneficial for him to do just a 1 step root canal and redo later if it did not work but

FILED DATE: 12/2/2024 5:17 PM 2019L005521

> he clearly wanted his patients to be healthy over financial gain.
>
> Dr. Goldberg was so nice to me even though I was not the easiest patient since I was very anxious and asked many questions. He made me laugh and feel like I was with a friend.
>
> Based on the experiences of my friends and family root canals are usually a terrible experience but for me it made me feel 10 times better.
>
> I will recommend him to anyone who needs a root canal and feel so much better knowing that there is someone who I can always go to for help and guidance in the future!
>
> Elena Fulton
>
> _____

Note that Ms. Fulton writes:

> "…That's when I read the reviews and saw that Dr. Goldberg was the highest rated endodontist in the entire area…"

Ms. Fulton's reliance on online consumer reviews is precisely the reason why Goldberg's actions are extremely deceptive. Next, she relays:

> "…I will recommend him to anyone who needs a root canal and feel so much better knowing that there is someone who I can always go to for help and guidance in the future…"

Based on Goldbergs online reviews, I too believed that I could always go to him for help and guidance. I was wrong…grossly and tragically wrong. But Goldberg is in a court silencing a consumer that relays what Goldberg demonstrated as opposed to Ms. Fulton's "feeling" that she can depend upon him." Further, Ms. Fulton states:

> "…Dr. Goldberg was so nice to me even though I was not the easiest patient since I was very anxious and asked many questions. He made me laugh and feel like I was with a friend…"

Ms. Fulton might be well advised to know that the "so nice" to her specialist that "feels like a friend" even though she was anxious and asked many questions is behavior that will turn on a dime if he perceives a personal slight. She will be described by him as "strange" or "erratic" and might be issued a password to an online portal because she "asked the office for everything else." Finally, Ms. Fulton relays:

> "…Not only that but Dr. Goldberg recommended a two prong approach to treatment so that I was much more likely to be successful in complicated case like mine. It would have been much easier and financially beneficial for him to do just a 1 step root canal and redo later if it did not work but he clearly wanted his patients to be healthy over financial gain."

It's not clear how this equates to Goldberg "clearly" wanting his patients to be healthy over financial gain. Nonetheless, Goldberg's complaint for an alleged post that merits $4,000,000 "clearly" hasn't hurt his reputation.

In another example, reviewer Trina Coe posts the following on Google, Yelp and unknown other sites. She identifies herself as an employee of the American Association of Endodontics.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

Advanced Care In Endodontics
1401 McHenry Rd STE 121, Buffalo Grove, IL
Write a review
5.0
312 reviews
Trina Coe
2 reviews
6 months ago
I've been an employee of the American Association of Endodontists for a number of years, and as such, have a greater deal of knowledge regarding root canal treatment than the average person. For instance, I know that if you need a root canal, you should see an endodontist because they have advanced training in diagnosis and treatment of endodontic issues, as well as advanced techniques, technology and pain management expertise. Even given that knowledge, I was still floored by how quick, pleasant and painless my root canal treatment was. Dr. Rob Goldberg and his staff at Advanced Care in Endodontics provided the best experience imaginable - even I was surprised that I did not even experience pain during the administration of anesthetic. Dr. Goldberg builds a great rapport with his patients, making you feel immediately at ease, and is adept at explaining what issues need addressing as well as each step of the process he will take to treat your problem. His staff are friendly, courteous, and efficient. It was totally doable for me to schedule my root canal during the work day and go right back to work after my appointment. I am so pleased with my experience - thank you, Dr. Goldberg!
Like

Ms. Coe is the Deputy Executive Director of the American Association of Endodontists. (Golberg relayed to me that he serves on an endodontics ethics committee.) Since Ms. Coe was getting a root canal herself, it appears that she uses the opportunity to educate the public as to why it is wise to use an endodontist for root canals. This is a great message. Except Ms. Coe goes on to state:

> "…Dr. Goldberg builds a great rapport with his patients, making you feel immediately at ease, and is adept at explaining what issues need addressing…"

Note: *"with his patients"* and *"making you feel."* How does Ms. Coe know that Dr. Goldberg builds a great rapport with "*his patients?"* While Goldberg may've clearly explained what issues need addressing to Ms. Coe, how can she speak on behalf of other patients. Clearly, Ms. Coe didn't consult me or other patients who expressed an issue but uses her association with the American Association of Endodontics to give credibility to Goldberg. The post is a testimonial/endorsement. Ms. Coe posts her speech across review site platforms. In fact, Yelp placed her post under "not currently recommended," indicating it was solicited. Goldberg even reposts it to his facebook page. The posts are disguised as spontaneous consumer reviews while he is removing speech that relays alternate experiences that Ms. Coe expresses. While Ms. Coe's testimonial serves as an informative educational public service announcement that I fully support, Goldberg has no right to suppress and flags reviews where patients express that he didn't explain "what issues need addressing…" clearly. One might wonder why an executive director at a professional membership association would choose to publicly endorse an endodontist with a pending SLAPP lawsuit against a patient amid a membership filled with many wonderful endodontists. This is not necessarily an organization that I, as a practicing dental professional competing for patients, would appreciate. It will be

FILED DATE: 12/2/2024 5:17 PM 2019L005521

necessary for Goldberg to produce his financials to learn if he is making contributions to the association in exchange for their public support. In the alternative, the membership organization might consider developing robust programs to assist their members with stress management and patient conflict resolution. Instead, they take to consumer review sites to contradict true, negative reviews of a dentist using harmful and fraudulent measures against patients in his attempts to remove criticism.

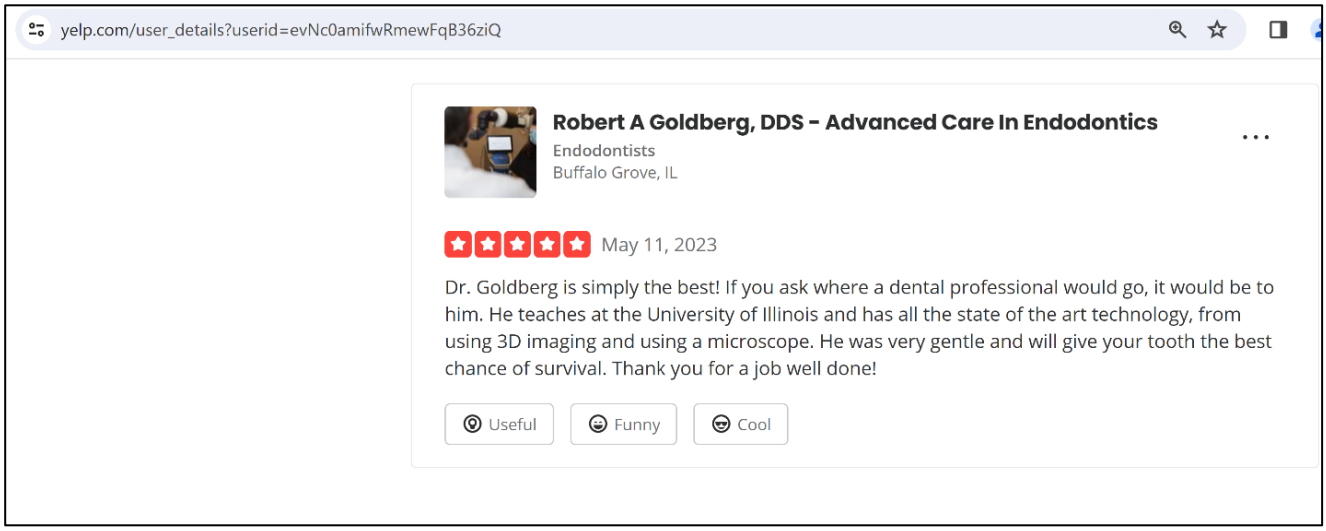
In another example, around May 2023, Yelper JP F. asks the community:

"Anyone had any experience with anyone other than Dr. Goldberg? He's either not there anymore or they're pushing new patients onto other Endodontists." (Exhibit)

Vince A. responds,

"I was just there a couple of weeks ago for the root canal. He may be a little busy, but he is worth the wait." (Exhibit)

On May 11, 2023, Vince A. submits a review on Yelp stating:


yelp.com/user_details?userid=evNc0amifwRmewFqB36ziQ
Robert A Goldberg, DDS - Advanced Care In Endodontics
Endodontists
Buffalo Grove, IL
May 11, 2023
Dr. Goldberg is simply the best! If you ask where a dental professional would go, it would be to him. He teaches at the University of Illinois and has all the state of the art technology, from using 3D imaging and using a microscope. He was very gentle and will give your tooth the best chance of survival. Thank you for a job well done!
Useful
Funny
Cool

It is unclear if Vince A. wrote his review before or after responding to JP F. That will be learned in discovery. Goldberg will be required to submit proof of Vince A.'s visits and treatment. Regardless, Vince A. answered the Yelper's question by suggesting that JP F. wait for an appointment with Goldberg. As a consumer sued $4M for an honest review, I would never provide a suggestion even though I could recommend a wonderful endodontist who also teaches at the University of Illinois and uses "state of the art technology" – as Vince A. shares with the public. It appears that JP F. ultimately did find an alternate endodontist and was very pleased with the result as a glowing review for that endodontic provider was submitted. By suing patients for statements that Goldberg knows are true, and are deemed nonactionable by the court, Goldberg is creating a situation where individuals, like me, can't help each other in fear that Goldberg will retaliate. Everyone loses, except Goldberg. In a free market whereby the FTC promotes competition, Goldberg is harming competitors who play by the rules and oppresses patients.

Goldberg's actions represent why anonymous speech is protected by the Supreme Court. By repeatedly flagging, hiding, and deceiving sites into removing posts (for alleged violations that weren't even violations but a result of Goldberg's infractions), Goldberg deprives consumers of critical insight that Alberti is sharing. It appears the same for DiA and others.

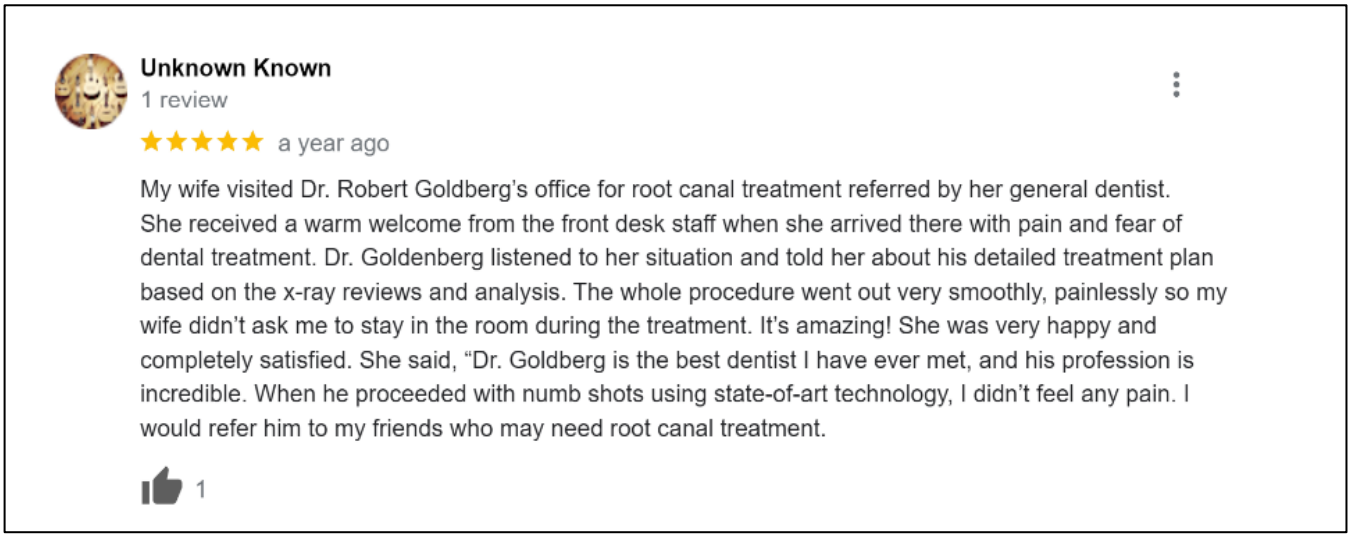
FILED DATE: 12/2/2024 5:17 PM 2019L005521

Ironically, Alberti and the author of the alleged DiA post express an overall assessment of their experience with Goldberg that is, in fact, shared by other reviewers. Keep in mind, there was an anonymous poster that emerged from the crowd on Healthgrades to write:

> "did a root canal, all went well. With xray said I had infection under gum that needed to be taken care of very soon or would have serious problems with jaw. Went to oral surgeon [how] said there was no problem. Was very scared till I went to oral surgeon. For what I spent should have gotten better diagnosis." (Exhibit)

The anonymous reviewer indicates that Goldberg **"didn't explain conditions well"** and that he **"didn't trust the provider's decisions."** Alberti and the DiA poster relay essentially the same thing. Goldberg continues to flag legitimate speech but at least the poster isn't harassed like Alberti has been for over four years. Out of 195 flattering five-star endorsements on Healthgrades, Goldberg continues in his attempts to remove criticism that might suggest he's anything but infallible.

Finally, the following is a post by reviewer "Unknown Known" (below). This is an individual who want to remain anonymous. Yet, he can't help but take to Google to write about an experience that isn't even his own but that of his spouse. Moreover, it represents his ***only*** review. What would prompt Unknown Known to go out of his way to promote Goldberg.



Unknown Known
1 review

★★★★★ a year ago

My wife visited Dr. Robert Goldberg's office for root canal treatment referred by her general dentist. She received a warm welcome from the front desk staff when she arrived there with pain and fear of dental treatment. Dr. Goldenberg listened to her situation and told her about his detailed treatment plan based on the x-ray reviews and analysis. The whole procedure went out very smoothly, painlessly so my wife didn't ask me to stay in the room during the treatment. It's amazing! She was very happy and completely satisfied. She said, "Dr. Goldberg is the best dentist I have ever met, and his profession is incredible. When he proceeded with numb shots using state-of-art technology, I didn't feel any pain. I would refer him to my friends who may need root canal treatment.

1

We don't know whether "Unknown Known" is Goldberg or anyone else related to him for that matter. While no one is deterring Goldberg from collecting positive feedback from happy customers, he will target every unflattering anonymous post – calling them "impersonations." He's not willing to behave different but will continue to insist anonymous unflattering reviews are "impersonations" and defamatory while manipulating his consumers' understanding of the patient experience. He is harming patients, the public, and competitors.

FILED DATE: 12/2/2024 5:17 PM 2019L005521

VII. Unjustified Threats and False Accusations to Remove and Prevent Consumer Reviews

> **§ 465.7 Review Suppression.**
>
> It is an unfair or deceptive act or practice and a violation of this Rule:
>
> (a) for anyone to use an unjustified legal threat or a physical threat, intimidation, or false accusation in an attempt to prevent a consumer review or any portion thereof from being written or created or cause a consumer review or any portion thereof to be removed; …

- **Goldberg's Cease and Desist:** Unjustified Legal Threat, Intimidation, False Accusation

While refusing to clear matters with Alberti, like provide a correct scan, he is oddly livid that a patient would contact IDFPR. In the meantime, Goldberg used intimidation and made unjustified legal threats insisting that reviews be removed. He even used false criminal allegations to intimidate Alberti into removing them. Prior to issuing cease and desist letters, Goldberg never bothered to contact anyone. Upon receiving cease and desist letters, Goldberg's counsel threatened that "Robert Goldberg will hurt you and take everything you own" unless online reviews were removed. He wasn't interested in explaining anything or providing a correct scan, insisting that everything was defamatory and that he should be paid. (Exhibit: Cease and Desist) (Exhibit: Daniel and Diane Alberti)

- **Goldberg's $4M Defamation Complaint:** Intimidation, False Accusation

Goldberg filed a $4M alleged defamation complaint knowing that he didn't have $4M in damages but intended to intimidate and strike fear in Alberti so she would remove her reviews and drop the IDFPR complaint. For over four years, Goldberg repeatedly waged false criminal allegations to coerce a settlement that included removing online criticism. (Exhibit)

- **Goldberg Contacts Review Sites Making False Accusations to Remove Consumers' Reviews** (V.B.2. Misrepresenting Illinois Department of Financial and Professional Regulations to Remove Consumer Reviews)

- **Alleged anti-Semitic Hate Speech (See Exhibit Alleged anti-Semitic Posts):** Intimidation; Harassment; False Accusation, Discrimination

Goldberg accused Alberti of authoring alleged anti-Semitic posts (that impersonated and copied her verbiage from the key post Goldberg wants removed) ***prior*** to filing his legal complaint. Goldberg knew that Alberti publicly disclaimed authorship on 5/30/19 on Yelp. However, he refused to acknowledge that anyone else could be responsible (like other patients named Mary K). He leveraged the posts throughout the case to prejudice a patient and argue that all reviews need to be removed, On information and belief, Goldberg is in violation of **§ 465.4 Buying Positive or Negative Consumer Reviews:** It is an unfair or deceptive act or practice and a violation of this Rule for a business to provide compensation or other incentives in exchange for, or conditioned on, the writing or creation of consumer reviews expressing a particular sentiment, whether positive or negative, regarding the product, service, or business that is the subject of the review.

- **Anonymous Reviews Are Not Impersonations (See Exhibit: Daniel and Diane Alberti):** Unjustified Legal Threat, Intimidation, False Accusation

FILED DATE: 12/2/2024 5:17 PM 2019L005521

When someone is being targeted, the idea of anonymity is to disguise your identity. Clearly, Goldberg targeted his patient and others wishing to post reviews that express a perspective that he doesn't appreciate. But Goldberg argues that anonymous posts or those under an alias were authored by the consumer that he alleges "impersonates" other patients. A patient can only be a patient writing a review anonymously or under an alias claiming to be a patient. A patient isn't going to pretend be a chicken, cow, or alien. And if it is a true and authentic post, it doesn't make it false. Even Google's terms of service state that "we allow content that contains alternative names for a person or organization where the content is not attempting to mislead others."

Anonymous speech is protected by the Supreme Court for a good reason. Goldberg repeatedly flagged, hid, and deceived sites into removing Alberti's posts as they were posted (and for alleged violations that weren't even violations but a result of Goldberg's infractions). He can't target negative posts then take issue with anonymity while allowing anonymous positive reviews. He launched a persecution, threatening and harassing elders and vulnerable women to achieve his goal of quashing legitimate dissent. (Exhibit: Daniel and Diane Alberti)

As Goldberg allowed his spouse, colleagues, and others to "impersonate patients" with misleading content and lacking material disclosures or post under an alias and anonymously, Goldberg made several false accusations alleging his patient "impersonated" others while cyber harassing him to remove posts. In doing so, Goldberg deceived consumers by depriving them of an alternate perspective and valuable insight. He is misrepresenting his business.

- **Goldberg's Police Report - Admissions**

On December 22, 2019, as litigation was in process (since June 2019), Goldberg filed a police report that captures a glimpse into his mindset. (Exhibit) Knowing that he repeatedly flagged and parked posts that were reposted, the report cites the offense of "Disorderly Conduct: Harassment Through Electronic Communications." Goldberg's position is that after he repeatedly punched a patient in the mouth for exercising constitutionally guaranteed rights, she had no right to speak again. On 12/23/2019, the documenting officer writes,

> "Goldberg, who is a dentist, explained a past patient, Mary Kay Alberti, had previously made over 100 remarks about him and his practice (between April and May, 2019) using an array of review web sites. Goldberg said he was contacted by an investigator from the Illinois Department of Professional Regulation as well as a Illinois state senator as a result of these negative comments/complaints. According to Goldberg, all of the comments made by Alberti were false accusations (all being unfounded) and also included several slander remarks. Due to the nature of the comments/reviews, Goldberg sought legal counsel and filed a lawsuit against Alberti." (Exhibit)

Goldberg fails to let the officer know that he suppressed speech as it was posted and reposted – allegedly 90 times – while making no effort to provide a correct scan that he knew the state investigator from IDFPR directed him to produce. He doesn't relay the colossal miscommunication and "incidental error" that transpired. Undoubtedly, Goldberg also doesn't relay that he used the "incidental error" to strike fear in his patient for "illegally hacking files" while telling a state senator there were no files in an online portal. And according to Goldberg, "***all*** of the comments made by Alberti were false accusations…" Note that he states ***"all"*** of the comments. Four years later, as he continues to legally harass his patient, he concedes to a privacy breach. "All of Alberti's false accusations" purportedly includes the one where she allegedly falsely states that he violated HIPAA even though he represented to her that he complies with HIPAA (and shut down all communication with his patient).

FILED DATE: 12/2/2024 5:17 PM 2019L005521

Goldberg's relays to the reporting officer that he believes the patient vandalized his car by putting nails in the tires. The officer documents that "Goldberg said he had no evidence…but believed Alberti may have something to do with it due to her past behavior." Note ***"no evidence"*** and ***"her"*** past behavior. The concern here is that a dental specialist licensed and entrusted to provide healthcare to the community couldn't properly deal with simple issues that surfaced in the operation of his business. Instead, he turned things into outrageous allegations. This is the same mindset that led Alberti to reach for help, in a documented record, due to an inability to reason with Goldberg and is further evidenced in his filing of a $4,000,000 complaint. While he could've avoided a lawsuit, Goldberg ***chose*** to retaliate and used the legal system to maintain coercive control and perpetuate the abuse – all while knowing his allegations were false.

Note the following.

- Goldberg admits to filing suit in response to Alberti's privileged and protected activity. Goldberg and his counsel file a $4M lawsuit and over ten police reports between them, however, his position is that someone else isn't allowed to seek help. Attached includes a history of pleadings in retaliation to Alberti's privileged and protected communication. (Exhibit) Goldberg repeatedly attempts to commingle statements made in privileged/protected communication with online posts to justify removing them.

- The reporting officer notes, "Since filing the suit, Alberti had stopped writing about Goldberg and his business through social media." Goldberg repeatedly suppressed reviews. He used unjustified legal threats (while he ignored fulfilling a simple legal requirement). He admits to filing a complaint that achieved the desired goal of preventing posts that he suppressed from being reposted, in direct violation of **§ 465.7 Review Suppression.**

- In Goldberg's police report, the reporting officer also writes,

  "Goldberg informed me it appeared Alberti had now began to go after his attorney whom he had hired to file the suit. Some of the comments made toward the attorney involved the infliction of violence as well as kidnapping. Goldberg's attorney, who resides in Evanston, had already filed a report with Evanston Police Department (case #19-11349). However, Goldberg documented this matter/incident with Buffalo Grove at the direction of his attorney."

  Goldberg allowed his attorney to hijack his case and do his bidding by legally harassing and breaking down a patient while he maintained a clean reputation. Goldberg's counsel waged false criminal allegations for the purpose of expediting discovery and to coerce Alberti into a settlement that included removing Goldberg's online reviews, again, in violation of **§ 465.7 Review Suppression.**

  Note how Goldberg relays that he filed the police report *"at the direction of his attorney."* Goldberg is a mature adult described to be an "intellectual leader." He is the client. No one forced a busy dental specialist, who should be focused on healthcare, into a police station to document that his attorney received kidnapping threats that he accuses his former patient of while characterizing her as "now going after his attorney." Note the words "now going after." Goldberg skillfully victim plays and appears to mix up who the victim is. (In December 2019, prior to litigation, the patient filed a local police report stating that Goldberg "thinks she stole information." (Exhibit) A patient with a failed root canal thinking a dentist will act

FILED DATE: 12/2/2024 5:17 PM 2019L005521

in accordance with online reviews was in a continued state of cognitive dissonance and shock.

Goldberg's counsel was forwarding the emails that he was receiving to Goldberg. Did Goldberg read them? Does he really think kidnapping threats were involved? Did he assess his counsel's interpretation of the rude emails? His counsel also filed police and FBI reports containing false representations and omissions. His Wilmette police report was made after counsel filed several reports to Evanston police and after his counsel learned that I filed an ARDC report against him. Goldberg used his counsel, who has a history of contentious interactions, to legally harass and break down his patient. Prior to Goldberg's case, the attorney reported to local police that he was being harassed online. It was apparently still going on after he filed Goldberg's case but blamed it on Alberti. He failed to relay this to the court. In 2022, counsel has another case where the plaintiff is harassed, AGAIN, along with an unnamed third-party. Moreover, counsel is accused of libel litigation by the attorneys in that case, Davie v. Rossi. There is a history of litigants filing libel/slander complaints against counsel. Here, counsel doesn't simply lie to zealously advocate for a client while asserting claims. Rather, every statement is a lie, trick, misrepresentation, misperception, etc.

VIII. Conclusion

Goldberg's alleged illicit review and endorsement practices such as using misleading reviews, review gating, and suppressing honest negative reviews deceives consumers and undercuts honest businesses. Even though he was able to temporarily justify suppressing speech, the creators of the rules didn't intend for them to be exploited for his self-interested purposes.

Goldberg v Alberti highlights the reason why the FTC announced that it is taking case-by-case enforcement to deter clearly deceptive review practices. From the stifling of speech that protects us all from self-interests to deterring victims from seeking help in fear of retaliation, the dental leader's actions have far-reaching implications posing catastrophic consequences to all of society.